

FOREIGN POLICIES
OF THE UNITED STATES

HOLLIS W. BARBER
THE UNIVERSITY OF ILLINOIS
CHICAGO UNDERGRADUATE DIVISION

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*To those who gave me life
and who make it worth while:*

MY FAMILY

The book that follows is designed for the use of the student taking his first course in American foreign policy. The approach is in part historical, for the obvious reason that often the easiest way to comprehend a present situation is to discover how it began and developed. The approach, furthermore, is factual more than it is critical, which may be considered condemnation or praise, depending upon one's point of view. I am one of those who believe that the current practice of criticizing our government and its policies on the basis of little or no study puts the cart before the horse. Criticism is surely never to be forbidden; but today far too much of it is founded on ignorance, prejudice, or downright malice. In this book it is assumed that the student is learning to walk as far as foreign policy is concerned and that he can learn to run—to dissect and evaluate policies—only after he has digested the fundamentals.

One familiar with the literature in American foreign policy will observe that this book differs from others designed for the same general purpose, not only in its sequence of chapters and in its inclusion of a chapter on Canada, which we Americans largely ignore, but mainly in that a considerable portion of its space is devoted to the United Nations. The United States and the United Nations are, of course, two separate organizations; but since their policies are interlinked, and since the former has on many occasions pledged allegiance to the latter, it seems to me that the two subjects merge into one. To fail to include an extensive treatment of the United Nations in a book about American foreign policy in the 1950's seems to me as indefensible as to ignore the Monroe Doctrine.

The thesis of this volume may be stated as follows: The United States has outgrown its infancy and has, almost unwittingly, attained pre-eminence in world power; it is therefore the bearer of heavy responsibilities. To protect its own selfish interests, if for no nobler reason, it must hold itself sharply accountable for the manner in which it exerts that power, because the fate of humanity can turn on its decisions. Furthermore, one may properly argue that even a nation as strong as the United States is in the middle of the twentieth century is not strong enough, and quite possibly is not wise enough, to carry this load without assistance. American support of the United Nations is, therefore, essential to our, and the world's, well-being.

The name of only one author appears on the title page of this volume; yet, as anyone knows who is at all sophisticated in such matters, if the book has any merits they must be credited in great measure to those upon whose basic research a textbook largely rests. Although I have used footnotes to acknowledge my indebtedness to others, I find myself on many an occasion in the awkward position of remembering an idea but forgetting its source. Thanks are therefore given to those unnamed people whose ideas I have, consciously or unconsciously, appropriated. I am grateful too to those students in my classes who have challenged my statements, forced me to reconsider, clarified my thoughts, and thus contributed greatly to my education. I owe much gratitude to such organizations as the World Peace Foundation, for its quarterly journal *International Organization* and its indispensable annual volume *Documents on American Foreign Relations*; the Carnegie Endowment for International Peace, for its publications, particularly its most useful pamphlet series *International Conciliation*; and the Council on Foreign Relations, in New York, for its superb quarterly *Foreign Affairs* and its annual *The United States in World Affairs*. The principal authors of the last-named publication, Mr. John C. Campbell and Mr. Richard P. Stebbins, I salute for doing excellently a difficult job of writing current history.

In complying with my numerous requests for documents and other information, the Department of State's Division of Public Liaison has been unfailingly helpful. My thanks go also to the Chicago Library of International Relations and to one of its most efficient and obliging staff members, Miss Jane Tatum. To my colleagues Donald W. Riddle and Stanley T. Gabis at the Chicago Division of the University of Illinois, I acknowledge my indebtedness for the hours they spent reading my manuscript and for the many constructive criticisms they offered. George Blanksten, of Northwestern University, read the entire manuscript and offered suggestions that have, I believe, materially improved the book; if the organization and coverage of the book are good, his astute criticisms are largely responsible.

Years ago I read a book which the author dedicated approximately in this fashion: "To all those martyred wives whose husbands write books." I never would have reached the point of writing these prefatory pages had it not been for the encouragement and help of my wife. Mere thanks on a printed page cannot begin the expression of my debt to her.

The people mentioned above have, in one way or another, done their best to guide me away from errors of fact or judgment; obviously, their responsibility ends there.

Oak Park, Ill.
January 15, 1953.

HOLLIS W. BARBER

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☆ I ☆

THE CONDUCT OF AMERICAN FOREIGN POLICY

1. BASIC CONCEPTS IN AMERICAN FOREIGN RELATIONS

2. THE DETERMINATION OF FOREIGN POLICY

3. THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE

BASIC CONCEPTS IN AMERICAN FOREIGN RELATIONS

ONCE UPON A TIME, in the dear dead days that are gone beyond recall, the international relations of the United States were dismissed by most Americans as superficial matters of striped-pants and pink-tea diplomacy. To most men in the street diplomacy was simply a nuisance that could be waved away along with stories of boudoir intrigue and the folderol of monarchical courts. These were the good old days, when there was a continent to win here at home, when undivided attention could be devoted to domestic problems and there was no need to worry about troublesome Balkan or Asian affairs—when, in short, we could pursue our own interests without bothering to be our brother's keeper. To this day many of us look back enviously to that period, thinking how lovely it must have been to be able to mind our own business and let the rest of the world look out for itself.

RESPONSIBILITIES OF MATURITY

Even those increasing portions of the American public which now recognize the basic current importance of foreign relations must periodically shake off the temptation to try to have the nation go its own way, regardless of foreign follies. We are still trying to attain that maturity of thought and action which goes with maturity of years, and in that attempt we have been by no means completely successful. We are in the position of the young man who marries at the age of twenty, full of romance and fiery love for the glamorous girl whom he has courted and won under moonlight and magnolias. In due course he discovers that all is not ambrosia, and that in addition to making love to his beautiful wife he has to help with the dishes and put out the garbage. Periodically he rebels and longs for the carefree days of bachelorhood.

Our relative youth as a nation, and especially as a nation with world-wide interests and commitments, doubtless accounts for many of the quaintly erroneous attitudes that we assume toward foreign politics. We tend to live on mentally in the days of fairy godfathers who somehow always straightened things out for little boys who behaved themselves, in the era when the mean

old giant was always, after fictionally appropriate preliminary victories, vanquished by the little boy who faithfully ate his spinach. We find it difficult as adults to face the harsh realities of a world in which not all is sweetness and light. Specifically, we in the United States after 1918 all too often assumed that the noble moral pronouncements of Woodrow Wilson would somehow automatically regenerate a depraved human world, without our having to put Sunday's sermon into practice on Monday. We rebelled against the thought of using force to promote any ends, however legitimate; we forgot that even our domestic legislatures and courts sometimes find it necessary to make use of jails and policemen with loaded guns.

We have too long labored under the illusion that all force is necessarily bad; what we need to understand is, rather, that force is bad when perverted to immoral ends. Edouard Herriot, the great French statesman of a generation ago, expressed this well by quoting his compatriot Pascal:

Justice without might is impotent. Might without justice is tyranny. Justice without might is unavailing, for the wicked are ever with us. Might without justice stands condemned. We must therefore mate justice with might and to that end we must ensure that what is just is mighty and that what is mighty is just.¹

BASES OF GREAT POWER STATUS

One of the basic realities of international politics should become part of our thinking at the outset: nations are strong these days not by virtue of the moral leadership that they claim but fundamentally because they have the physical power to assert and maintain pre-eminence. A Great Power is not simply one that tries to do what its statesmen believe to be the right thing; it is one that has the wherewithal to enforce that idea. A Great Power is by definition one with a major army and navy and with the population, industrial equipment, and natural resources to support that military might.

➤ *Geographic Factors.* It is not amiss to examine briefly some of the components of national power, whether of the United States or of any other state.² There are those who maintain, as do the geographic determinists, that all human actions are governed by the geographic situation of a people; the school of thought known as "geopolitics" is close to this point of view. Pursuing the same line of thought as that which evoked Napoleon's famous remark that "the foreign policy of a country is determined by its geography," the believer in geopolitics accepts as gospel the allegation that the power which controls the world's "Heartland" (which is roughly equivalent to present-day Russia)

¹ Mr. Herriot was addressing the League of Nations Assembly in Geneva in 1924; quoted by Raymond L. Buell, *International Relations* (Holt, rev. ed., 1929), p. 648.

² The word "state" is used in this book as it normally is in international law and diplomacy, to refer to an independent political unit. Thus England, the United States, and France are states. The domestic American use of the term, as in speaking of the state of Illinois, has no standing in international parlance.

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and eastern Europe will dominate the world.³ This is an extreme thesis to which some validity must be ascribed; but it does not explain completely the determination of national politics. One of the great dangers in the study of international relations lies in the tendency to rely upon single-cause explanations of the policies of nations and patent-medicine cures for the ills of the world; rarely, if ever, are these simple explanations or solutions completely reliable. Thus some explain America's entry into World War I on the basis of Germany's submarine warfare, whereas others explain it on the basis of American loans to the Allies, or English propaganda, or our desire for freedom of the seas or to maintain the European balance of power. All these factors worked toward the same end, but no one of them was exclusively responsible for the phenomenon.

✓ However, although one may be unwilling to accept the geographical determinist's point of view exclusively, he must surely concede that matters geographic have great influence upon a nation's international position and policies. A moderate climate, humidity, temperature, and rainfall will affect not only the nervous and physical activity of a people but also its agriculture, its food supply, its health, and to some extent its industry. It is no accident that England and northern Europe are well developed along these lines and for centuries have also provided major centers of international political power. It will be remembered that favored areas, such as the "Fertile Crescent" in the Near East, have been among the first homes of civilization.

The simple accident of location on the globe may basically affect a state's international interests and position. Russia's lack of year-round ice-free ports has for centuries been recognized, alike by tsar and by Communist dictator, as a national weakness, and has by the same token provided a long-term goal of Russian foreign policy. Turkey's position with regard to the Dardanelles has at once placed that nation in a strategic status and subjected it to the danger of attack from Russia, whose long-standing desire for control of this means of access to the Black Sea is conditioned by motives of self-defense. Belgium's position astride a natural gateway between France and Germany has accounted more than once for its unfortunate role as battleground. Location may give rise to strength or to weakness, depending upon other factors. Likewise, mountains may provide a bulwark against invasion, as the Pyrenees do in Spain, or they may make for political disunity and weakness, as in ancient Greece.

✓ There is no doubt that the geographically isolated position of the United

³ On geopolitics see: Andrew Georgy, *Geopolitics* (University of California Press, 1944); Halford J. Mackinder, *Democratic Ideals and Reality* (Holt, 1942); Johannes Mattern, *Geopolitik: Doctrine of National Self-Sufficiency and Empire* (Johns Hopkins Press, 1942); Nicholas J. Spykman, *The Geography of the Peace* (Harcourt, Brace, 1944); Robert Strausz-Hupé, *Geopolitics* (Putnam, 1942).

States has been a source of great protection and strength; it has also contributed materially to our erstwhile national policy of isolationism, as will be discussed at length in a later chapter. Manifestly the effective width of the Atlantic and Pacific has been greatly diminished by modern means of communication and transportation, and the protection afforded by the oceans has declined in these days of intercontinental bombers and guided missiles. The Atlantic and Pacific still are important to our defense, nevertheless; the year 1944 demonstrated clearly how great a barrier to troop invasion was even so relatively narrow a body of water as the English Channel.

✓ In addition to the factors mentioned above, sheer bulk is not to be ignored. Not only does great size raise the possibility of a variety and richness of natural resources, but its strategic military importance may be of first rank. In this connection one thinks immediately of the Soviet Union in 1941 and the great protection which its vastness afforded: the more the Russians retreated from Hitler's armies, the longer and more vulnerable did the latter's supply lines become, until finally the Germans came to believe that their most effective enemies were "General Distance" and "General Mud." By contrast, no state of western Europe can hope to rely upon this type of "defense in depth."

➤ *Raw Materials and Industry.* Possession of raw materials is so clearly a basis of national power that little need be said here on the subject. Surely it is apparent that a prime reason for the great power of the United States is its self-sufficiency as a producer of food, and that another is its large domestic sources of such basic items as iron ore, coal, and petroleum. The concentrations of such raw materials in the United States, Britain, and western Europe provide another reason for the corresponding concentrations of political power there through the years. Upon such minerals are built great industries, and the size and efficiency of these industries are in turn a measure of the power of the state.

It is to be learned and remembered, however, that no nation—not even the United States or the Soviet Union, which have been more richly endowed than others—can pretend to attainment of economic self-sufficiency. Strategic raw materials are too unevenly distributed around the globe for that. It is very easy for Americans, conscious as they are of their immense natural wealth, to forget the days of the early 1940's, when their sources of natural rubber were dried up by the Japanese conquest of Malaya and the Netherlands East Indies, with a result verging on panic in the United States. In the early 1950's some Americans also easily forgot the significance of the fact that their best source of uranium ore was thousands of miles away, in the Belgian Congo.

➤ *Population.* Manifestly, no nation can aspire to Great Power status without a large population, any more than it can without abundant natural re-

SELF-INTEREST AS A BASIS OF POLICY

Related to the fact that greatness in nations depends fundamentally upon physical strength is another unpleasant but real truth: nations do not frame their foreign policies with respect to any large area or over any considerable extent of time under the dictation of purely altruistic motives. Altruism is by no means to be altogether excluded from consideration, but in the long run a nation adopts a given foreign policy because the responsible officials conceive of that program as one that will promote the well-being of their own state. National interest, real or fancied, is the deciding factor, although nations no less than individuals may be mistaken in their choice of means to serve faithfully their own long-range interests. "National interest" is a term far easier to employ than to define.⁵ Precision of meaning is almost always lacking, but in general the expression refers to an intermixture of considerations of external security, economic welfare, prestige, and power. It will often be a matter of bitter debate whether or not a given foreign policy does advance these interests of a state or of its citizens.

The concept of national interest was discussed in 1951 by Secretary of State Dean Acheson when he appeared before the House Foreign Affairs Committee to argue for the adoption of the Mutual Security Program:

All our actions abroad, whatever form they may take, have a single purpose. That purpose is to advance the security and welfare of this country. There is no other possible justification for any policy or program. There is no other justification for asking the American taxpayer to finance any foreign policy or program.

To recognize the enlightened self-interest in these activities does not detract from the humanitarian character of some of them, nor from their contribution to the common goal of peace and security.

. . . No foreign policy can ensure national security unless the nation has adequate defense forces. But in the world in which we live, no national defense policy can ensure security unless the nation has strong and reliable friends and allies.

We cannot afford to underestimate the importance of our friends and allies to our own security. The United States is a rich and powerful Nation. . . . And yet no nation, including our own, is strong enough to stand alone in the modern world. . . .⁶

The fundamental idea was clearly expressed by onetime Secretary of State Charles E. Hughes when he said: "Foreign policies are not built upon abstractions. They are the result of practical conceptions of national interest arising

⁵ One well-known attempt to get at the essence of the idea is that by Charles A. Beard, *The Idea of National Interest* (Macmillan, 1934).

⁶ *Department of State Bulletin*, July 9, 1951, p. 47.

from some immediate exigency or standing out vividly in historical perspective."⁷

Fortunately there are numerous circumstances in which altruism and selfishness can both be served by the same policy. For example, it was enlightened self-interest on the part of the United States to assume through the various interpretations of the Monroe Doctrine a type of protectorate over parts of Latin America. We gained in terms of strategic self-protection, and on at least some occasions the Latin Americans profited through the prevention of European imperial aggrandizement at their expense.

Our policy with respect to China has illustrated the same point. There a motivating factor in our actions for a century past has been Christian missionary endeavor, but we have not overlooked the practical trade advantages of maintaining an open market for our manufactured goods and a source of tea, rhubarb, and silk. Secretary of State George C. Marshall, after stating in an address in 1947 that the United States had made many large gifts to nations in need of relief, continued:

But it would not be entirely accurate to say that the efforts of this Government to contribute to the restoration of world economy since the termination of the recent war have been motivated solely by considerations of charity. Our people do realize, I am sure, that a stable and prosperous world is important to their own well-being.⁸

Self-interest normally plays the lead; enlightenment is apt to be cast in a supporting role.

If we thoroughly appreciate the primacy of self-interest in the formation of our foreign policy, we need not be so surprised as we often are at the obvious lack of gratitude on the part of our foreign "beneficiaries." If we give money abroad and our action is frankly designed chiefly to serve our own ends, there is no reason to expect a foreign nation to thank us for it. The act was not one of benevolence nearly so much as it was one of self-service.

Most Americans have forgotten that after our proclamation of neutrality in 1793 we ourselves were considered by the French to be the prime ingrates of the age. At the time of our own revolution we had gladly accepted French aid against Great Britain under the alliance of 1778; but when the positions were reversed and the French were convinced that they had a good claim on our assistance, we lost little time in explaining away the obligations of the treaty on which that claim was based. French aid after 1778 was of course not given as a matter of outreaching friendship to the struggling colonies. It was, rather, a Bourbon king's means of indirectly weakening his English enemy.

⁷ Quoted by Charles A. and Mary Beard, *America in Midpassage* (Macmillan, 1939), Vol. I, p. 446. See also the excellent article by Hans J. Morgenthau, "Mainsprings of American Foreign Policy," *American Political Science Review*, Dec. 1950, pp. 833-854.

⁸ Quoted in *World Report*, July 15, 1947, p. 37.

All this is simply a roundabout way of expressing George Washington's very wise but little-remembered advice in his otherwise oft-quoted Farewell Address, in which he admonished his countrymen to keep constantly in view "... that it is folly in one nation to look for disinterested favors from another; ... There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard." The hard fact of the matter is that in this imperfect human world private and public policies are based primarily upon considerations of self-interest. One should not conclude, however, that the moral tone of international practice is completely unalterable; efforts can and should be made to minimize selfishness and maximize altruism among nations.

"FOREIGN" VS. "DOMESTIC" POLICIES

Still another reality of twentieth-century international life has not been fully appreciated by the mass of our citizens and by some of our statesmen. Domestic policies which we have a perfect legal right to adopt often have a tremendous and harmful impact on other nations and thus on international politics. The dividing line between what we are accustomed to calling "domestic" and "foreign" policies is a tenuous one which often disappears altogether. Here the complicating factor has been the old demon of unrestricted state sovereignty.

Theorists have debated for centuries the nature and control of sovereignty within the state; but fortunately we do not need to delve into their arguments, since it is sovereignty on the international level with which we are here concerned. If we disregard legal refinements and theoretical niceties, sovereignty in international relations may be defined simply as the legal capacity of an independent state to regulate its affairs as it pleases, without having to obtain permission from any outside source. It is the law of the jungle which holds that a powerful nation is not legally accountable to anyone for the international consequences of its domestic acts. It is a legalistic concept which maintains, as a corollary to the above-mentioned idea of independence, that every state is legally equal to every other one, since none can legally be controlled by another. However, this concept obviously bears little relation to the realities of international economics and politics. No one would seriously contend that the United States and Cuba, for example, were equal in terms of economic power.

It is apparent that a state is free to specify that certain racial types are not considered desirable and therefore shall not be admitted to its realm for permanent residence. The United States may quite legally exclude Asiatics, and its Department of State is under no legal compulsion even to acknowledge the anguished protests that come from China and Japan. Or Congress may enact a Smoot-Hawley Tariff Act, even though it raises our import duties

to the point where another country's market in the United States is ruined, and even though this in turn disables a prominent industry in the exporting state. Again we are immune from complaint, since tariffs are legally a domestic matter. And we had the right to retain what we considered up until 1949 was our monopoly on the atomic bomb, regardless of any foreign disapproval. In each case our "domestic" policy had reverberations the world around, and it was poor testimony to our intelligence that we affected pained surprise when the Japanese or Chinese protested against our immigration laws, or when other states retaliated against the Smoot-Hawley Act by raising their tariffs against our exports, or when various countries suspected us of aggressive designs on them in the matter of the use of atomic energy.

The reaction of the United States in such matters has often represented the egocentric position of the isolationist who inelegantly condemns the rest of the world to stew in its own juice, and who believes in the "every man for himself and the devil take the hindmost" school of pseudo thought. It is a comforting position for a short-sighted person to assume in a strong and geographically isolated nation. However, refusal to question the morality, or even the pragmatic desirability, of pursuing a unilateral course of action without thought of the consequences to others indicates a blind spot of the intellect.

REGIONAL APPLICATIONS OF AMERICA'S FOREIGN POLICIES

There long was a popular belief that our foreign policy could be summed up in the one word "isolationism," and that since we have not been consistent in the practice of this preachment we have not really followed any policy at all. The facts of the matter are, however, that we have had policies which successive Secretaries of State have applied with some considerable degree of consistency, and that our general policy has not been isolationist to anything like the degree that is popularly supposed. The chapters that follow will serve to disprove the allegation that we have followed no policy at all. As to the belief that we have been generally isolationist, even the most hurried and superficial reading of American diplomatic history of the past century and a half will disclose that we have followed three major policies, each framed with reference to some one geographical area with which our relations have been important, and that only one of these policies is isolationist.

In chronological order of their original pronouncement, these three policies may be categorized as Isolation, the Monroe Doctrine, and the Open Door. It should not be inferred that the United States has followed only these three, but simply that they have been the major ones. Obviously other policies have at various times been significant: westward expansion across the continent in the name of "Manifest Destiny," policies with regard to the League of Nations and the United Nations, and so on. Likewise, as previously noted, numerous

domestic policies, such as those dealing with tariffs, military defense, and immigration, have basically affected our international relations.

➤ *Isolationism.* The citizen who thinks of American foreign policy as being completely summarized under the one heading "isolation" displays a spotty knowledge of our history. It is of course perfectly true that our position with regard to Europe throughout much of our history can be thought of as isolationist. From the days of George Washington to the present, many of our people, our newspapers and periodicals, and our presidents have had the natural if somewhat irresponsible tendency to say that if Europe wanted to continue to war within itself it was no concern of ours, and that we would simply wash our hands of Europe's struggles. Misreading the advice of Washington and other national heroes has contributed to this end, as has the desire for the profits obtainable from a neutral's trading position, as well as the apparently chronic inability of the American, at least until very recently, to see that there was any connection between his own life and what went on in the Balkans, Palestine, Korea, Arabia, the Gran Chaco, Manchuria, Indonesia, or some other distant "cradle of conflict." There will be abundant time in later chapters to analyze this attitude in greater detail. The significant things to point out now are two: First, isolation is a policy that we have even purported to follow only with regard to Europe. Secondly, we have not attempted to follow it consistently even there, as the dates 1917-1918 and 1941-1945 should remind us; for a still more recent example, let one consider the lack of isolationism involved in the Marshall Plan or the North Atlantic Treaty.

➤ *The Monroe Doctrine.* The second major line of guidance for our official foreign behavior has been headlined "Monroe Doctrine"; in practice this policy has had to do solely with relations with South and Central America and the Caribbean countries. This is not to ignore the significance in President Monroe's mind of potential Russian encroachments on the west coast of North America, but that was a possibility which diminished with passing years and disappeared entirely after the purchase of Alaska, in 1867.

The Monroe Doctrine remained a Latin American policy, and its principles were not applied to Europe or to Asia any more than our European or Asiatic policies were applied to the states "south of the border." It was a regional policy, developed out of specific circumstances, and reformulated with radical changes as those circumstances changed. For a considerable part of its history the Doctrine has been taken by the United States to imply a right on our part to intervene in the political and economic affairs of the Latin American republics, with or without their permission. Whether such a policy was morally right or politically far sighted is certainly open to question, but that is not the point at issue here.

➤ *The Open Door Policy.* Our third major regional policy has concerned the Far East, and more particularly China and Japan. Our eighteenth-century

trade with China, in the fabulous days of Yankee skippers and clipper ships, did what trade has always done between nations: it made the commercial nations acutely aware of their dependence upon the politics and government of the other nations. From the fifth decade of the nineteenth century the United States was to play a leading role in the opening of China and Japan to Western trade and civilization and in the diplomatic maneuverings that necessarily ensued. Here again we were not isolationist; we were not interested in letting China alone. At the turn of the present century we formalized a policy that had long been in process of gestation: we wanted China kept open to the trade, finance, and missionary effort of all nations, with exclusive "spheres of interest" for none. We called this the "Open Door policy."

Most of the ideas set forth in the preceding pages will be developed at considerably greater length in appropriate later places. It is sufficient for present purposes that we keep in mind the facts that self-interest and power are the main bases of current international politics, that this applies to the United States every bit as much as to any other state, and that the United States, far from slavishly adhering to any one foreign policy over the years, has actually followed widely variant policies in different sectors of the world. The last idea does not necessarily imply inconsistency on the part of our government, but rather states the simple fact that one may logically use two different means to attain the same end. A man who wishes to go to Chicago from New York may travel by train, plane, bus, or auto, as one or the other mode of transportation appears most feasible under prevailing conditions. The destination is the same, but the means to attain it may vary. In the same way foreign policies may vary, as they are but means to the end of protection of national interests and security. Indeed, in one sense, there is only one foreign policy to be followed by any nation: the protection of its security.

THE UNITED STATES AS A WORLD LEADER

The above-mentioned regional policies are those which have been traditional with the United States for decades. To them new interpretations have been added, and brand-new basic policies as well, resulting from the leadership to which the United States succeeded. This country had come to be in a potentially dominant position after World War I, but the position became crystal clear after 1945. It has been well said by one competent recent observer that:

Rarely in history has a people risen to world leadership and world responsibility so swiftly. Never before, certainly, has a nation emerged so abruptly in a role of world hegemony from a cloister of national isolation. Never before have amateurs stumbled into so big a job in world politics. . . .

America is making a transition, in world politics, from satellite to nucleus. . . . That transition is not without its growing pains. A com-

paratively few men in Washington are in reality an informal planning agency for most of the world. . . . This is so because the power of the United States is back of their decisions. . . . The sense of power is a gratifying one. But with it go burdensome responsibilities and some dangers. With it must go a self-discipline that is not easy of achievement.⁹

➤ *Importance of Foreign Affairs.* If it is true that the United States has been catapulted into a position of world leadership, then it follows that matters of international relations should be of great importance to us. That they truly are is regarded by many as self-evident, but for one who demands proof of a statistical nature, demonstrative figures are available.

In the early 1950's, when much critical comment was made on the size of the federal budget, it was often pointed out that the lion's share of the expenditures was directly or indirectly traceable to war. That share varies from time to time, but in recent years it has seldom been less than two thirds. Between 1950 and 1952, for example, the greatest single group of appropriation items covered the multifold activities of the Department of Defense; a second item, running into billions of dollars annually, covered veterans' benefits, including education, hospitalization, and pensions; thirdly, each year there was an appropriation of five to six billion dollars for the payment of interest on the national debt, and, since that debt was incurred mainly for prosecution of wars, this must also be accounted a military item. Since past wars and present defense are clearly aspects of international relations, it is apparent that, viewed on a dollars-and-cents basis, the federal budget has been primarily a foreign-affairs budget. To the above-mentioned objects of expenditure must be added related categories. After World War II the United States launched a major offensive on the economic front against the westward advance of Russian Communist imperialism; this offensive we called the Marshall Plan, and in 1952 the Marshall Plan gave way to the Mutual Security Program. This program also accounts for sums that run into the billions annually. Add to these figures enlarged budgets for the Department of State, the Export-Import Bank, the United Nations and its various subsidiaries, and similar agencies, and it becomes perfectly clear that the overwhelming majority, frequently as much as 90 percent, of the federal budget goes for activities that are aspects of international relations.

Such facts as these are obvious indications of the cost and importance of foreign affairs to us; no one can read the figures and deny their meaning. What is not so widely appreciated is that this sort of thing has been going on for a long time; it did not start with Franklin Roosevelt, the New Deal, or World War II. It applied also in the days of "isolationist normalcy" that followed

⁹ William H. Hessler, *Operation Survival: America's New Role in World Affairs* (Copyright 1949 by Prentice-Hall, Inc., New York), pp. xiv, 54-55. Reprinted by permission of the publisher. Chapters 1-3 of this book provide a good statement of the swiftness of America's rise to power, and of the responsibilities entailed.

World War I. If we define foreign affairs to include those factors which have just been mentioned, and others which are clearly related to them, we find that even in 1921 the federal government spent 57.14 percent of its budget on foreign affairs. Furthermore, in the ensuing three decades the corresponding percentage never fell below 26 (in 1934), and in the peak war year of 1943 it went as high as 97.35.¹⁰

It is one of our foibles that we Americans still tend to speak deprecatingly of foreign affairs as something of interest only to a few dilettante diplomats. It is beyond argument that with federal taxes as high as they now are, and with the overwhelming majority of those taxes being used for foreign affairs, international relations are of prime importance to everyone. Evidence drawn from another realm is the circumstance that in the presidential election of 1948, and to a still greater extent in that of 1952, questions of foreign policy were paramount political issues.

➤ *England's Decline.* It is known to all that until recent years the British were for generations the political and industrial leaders of the Western world; this primacy was often challenged, but not successfully except by the United States. The British decline from the high point of the Victorian era is traceable not to a moral fiber suddenly gone flabby but rather to those factors of national power which we have surveyed: the British Isles no longer have the population, the wealth, the armed forces, the raw materials, and the efficient large-scale industry that make for international power. Among other factors, two disastrous world wars were more than the British position could absorb without weakening. This is not to write off the British as a vanished race, like the Babylonians, but simply to recognize that their status is not what it once was.

As England has declined, the United States has risen. Some of the difficult problems inherent in this change have been recognized by an Englishman who is wise in his country's diplomacy:

America has not yet fully realized what it means to be the greatest Power in the world; Great Britain has not yet fully realized that she has lost her old almost effortless superiority. . . . It will take the Americans some time before they take for granted the immensity of their own stature. In America we may well witness the hesitations, and perhaps even the intemperance, of people who assume unaccustomed responsibilities; in Great Britain we shall have to be careful that our pride does not become too sensitive.¹¹

In moving to the center of the international stage Americans have become

¹⁰ These figures are taken from James L. McCamy, *The Administration of American Foreign Affairs* (Knopf, 1950), pp. 3-7; see especially the tabulation of federal expenditures, 1921-1950, on p. 5.

¹¹ Harold Nicolson, "Peacemaking at Paris," *Foreign Affairs* (New York), Jan. 1947, p. 202. Reprinted by permission of the publisher.

uneasily aware that to protect their own position they need to maintain large armed forces, which not only are extremely expensive but which Americans have traditionally associated solely with militaristic European nations. The simple fact is that in the present highly imperfect stage of world development armed forces appear to be the best guarantee of national security, and the United States needs them for precisely the same reasons England needed them. But Americans have only gradually come to recognize this fact. For many years it had been clear to the diplomatic historian, if not to the man in the American street, that the United States was operating behind the sturdy shield of the British navy and that if this shield were removed the United States would have to provide its own. Illustrations of this fact will be given later, but one may be anticipated: it is abundantly clear that America's foremost traditional foreign policy, the Monroe Doctrine, could never under the sun have been maintained in the face of opposition had it not been that British interests in Latin America largely coincided with our own, and had it not been that other nations knew that Britain well understood the strategic political employment of armed force to advance its own—and, incidentally, our own—policy. This situation had prevailed for so long that many Americans took it as part of the natural order of things:

They had become so accustomed to their security that they had forgotten that it had any foundations at all outside our continent. They mistook our sheltered position behind the British fleet and British Continental diplomacy for the results of superior American wisdom and virtue in refraining from interfering in the sordid differences of the Old World.¹²

➤ *Why Are We Leaders?* If world leadership is going to cost America heavily in taxes and other onerous obligations, one is entitled to demand proof that the primacy is truly there.

To establish completely the bases of American leadership would entail lengthy study of volumes on natural resources, populations, armed forces, industries, and economic geography. But we can put the matter far more briefly. The United States is infinitely more fortunate than other nations in its relatively great supplies of minerals and other raw materials, upon which is based a mammoth industrial plant more productive and efficient than that of any other country; the United States has the large literate population that is essential both as civilian labor and as the foundation of armed forces; and the United States, in spite of the technological shrinkage of oceans, still occupies a comparatively safe geographical position *vis-à-vis* any potential attackers. As a result of these and other considerations, the United States is incomparably the strongest and richest of the nations. Its inhabitants number only about

¹² George F. Kennan, *American Diplomacy 1900-1950* (University of Chicago Press, 1951), pp. 4-5. Reprinted by permission of the publisher.

6 percent of the world total, yet those 6 percent possess or produce two thirds of the world's monetary gold and its petroleum; half of its corn, wheat, and railroad trackage; two fifths of its income; and one third or more of its coal, iron, and copper. Other, similar figures could, of course, be adduced as further indices of wealth, but they would serve only to illustrate the obvious: that the United States is the world's wealthiest nation and its most powerful industrially. When one measures national possession of coal, iron, petroleum, food products, and railroad mileage, he measures national power. The French long ago recognized that "noblesse oblige": that titled heads were the bearers of peculiar social responsibilities. To alter the phrase, but scarcely the basic thought, one might properly say of the United States in the international scene: "richesse oblige." It is inevitable that that nation which possesses the indices of power should be called upon for general leadership in the exertion of power.

➤ *Wealth—and Poverty.* That the United States is rich is obvious. What is not so obvious, at least to many Americans, is a pair of related facts. First, there are other nations which are poor; such is the unequal distribution of population, industries, and raw materials about the world. The poor or weak nations will almost inevitably not only expect leadership from the strong ones but also begrudge them the wealth that conditions the leadership. For decades past the English have been something less than wholly popular throughout the world; this was part of the price they paid for control. The United States is succeeding to this unenviable position.

Secondly, one wanders far from the facts if he assumes that the United States has all it needs of everything. In some resources, such as coal, we are fabulously rich. In others we are poverty stricken, novel as that thought may be to those Americans accustomed to only the pleasant facts. Our poverty, furthermore, is not restricted to such nonessentials as coffee and bananas but extends to fundamental necessities of a modern industrial system. This point will be made again later, but here it will suffice to mention that the United States has either no supplies or grossly insufficient supplies of asbestos, chrome, cobalt, manganese, mica, nickel, tin, and quartz crystals, all of which are indispensable to an industrial nation. This list represents only a few of our best-known mineral shortages. These minerals we must obtain from abroad. Some, like nickel, we can buy from near-by Canada. Others come literally from all over the earth.

➤ *Protection of American Interests.* It is surely belaboring the obvious to maintain that it is in the interest of the United States to preserve international peace, if for no better reason than the protection of the industrial establishment that is the basis of our standard of living. Peace might conceivably be safeguarded by either of two means: individual or collective. The history of the past century would appear to be a persuasive argument in support of

the thesis that unilateral action, even by a state as powerful as America is now, is insufficient to maintain peace and security.

If individual action is too frail a reed, one examines its alternative: some form of collective or cooperative policy. This is indeed the alternative to which the United States has been turning—and very rapidly since 1945. Experience before and during World War II was sufficient to convince most Americans, and certainly to convince their policy makers, that we could not maintain an island of peace and prosperity in the midst of a warring world, and therefore that our enlightened self-interest demanded not only a peaceful nation but a peaceful world. Consequently in recent years such agencies of international cooperative action as the Organization of American States, the Organization for European Economic Cooperation, the North Atlantic Treaty Organization, and most of all the United Nations in all its branches have become the backbone of our foreign policy. Therefore, although the primary focus of this book is on the foreign policies of the United States itself, that cannot be the whole focus. At least one fourth of the volume will be devoted to the United Nations, and large parts of the remainder to other cooperative ventures of the United States. Half a century ago if we had been concerning ourselves with American external policies our stress would have been entirely different, but in the middle of the twentieth century we must always bear two facts in mind in such a study: the United States occupies the position of prime power among the nations, and it is exerting its influence ever increasingly through agencies of international cooperation.

It is the purpose of the chapters that follow to examine first the control, determination, and execution of foreign policy in the United States. A rather detailed scrutiny will then be made of our regional and functional policies. Thereafter our attention will be directed to the United Nations.

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THE DETERMINATION OF FOREIGN POLICY

WE PRIDE OURSELVES on living in a land in which our forefathers fought, bled, and died in order to secure the blessings of liberty to themselves and their posterity. We doubtless have as great a degree of democracy in the United States as exists in any major country. Crowned heads we have none; popular elections we have many. Often our states, in addition to holding periodic elections, provide for popular control of their officialdom through initiative, referendum, and recall. We fought one war to make the world safe for democracy and another to ensure the continued or prospective enjoyment of the "Four Freedoms." We have substantially achieved the democratic ideal of control by majority vote, through inclusion within the voting ranks of almost all adult men and women, through the virtual elimination of property qualifications on voting, and through the gradual whittling down of such undemocratic requirements as the payment of the poll tax.

POPULAR CONTROL OF GOVERNMENT

➤ *Incompleteness of Popular Control.* Thus we have at least the trappings, and indeed much of the substance, of popular control, insofar as popular control can be exercised through republican institutions in a large population over a vast area. Yet we should also be aware that the framers of our Constitution were not really interested in making it an instrument of popular control in any complete sense. Charles A. Beard long ago pointed out that the 1787 Constitution was not, and was not intended to be, a means by which the masses of the people could directly control their government.¹ The President, in the eighteenth century as now, was not elected by the people directly; and, even though now we have progressed far toward popular control, our general-ticket method of choosing presidential electors permits the constitutional election of a chief executive whose opponent received the majority of popular

¹ See C. A. Beard, *An Economic Interpretation of the Constitution* (Macmillan, 1913), Chapters 4-7.

votes. The federal courts have never been manned by elected officials. The Senate, for the first century and a quarter of its existence, was chosen indirectly, through the state legislatures. And the House of Representatives, although closest to the people in the matter of elections, was in the beginning and for a considerable time thereafter a semiaristocratic body, because property qualifications on voting and the lack, until 1920, of woman suffrage prevented a large proportion if not a majority of adults from participating in the election of its members.

➤ *Limited Influence of Public Opinion.* The same lack of popular control is apparent today to one who explores even cursorily beneath the surface of democratic pretensions and suppositions. Practically speaking, the amount of actual day-by-day control that one hundred and fifty million Americans exercise over their government is not impressive—and probably it cannot be, considering the size of the country and the intricacy of the problems with which Congress and the President must wrestle.² True it is that if one set of public officials proves unsatisfactory the people have the opportunity at the polls to “throw the rascals out.” Yet no one who is at all politically sophisticated needs to be told that this is an ineffective remedy for poor government; since elections involve so many varied issues, so many personalities, and so many extraneous factors, it is an unusual one indeed that allows the winner honestly to say that he has a mandate from the people to follow a given set of policies.

True it is too that most legislators make an honest attempt to ascertain their constituents' desires on controversial pending legislation and to be guided thereby. Congressional committees hold hearings at which representatives of the general public are often invited to appear and to testify. Letters-to-the-editor columns of newspapers are scanned by legislators, as is their mail from the people back home, in an attempt to discover which way the political wind is blowing. But since there is no official public-opinion poll that reports the desires of the voting public, and since the “will of the people” is so easily misrepresented by astute pressure groups and lobbyists, legislators are subject to vast errors of judgment concerning the desires of John Q. Public. It has been conclusively shown, if indeed any proof were needed, that Congress often does not accurately represent, in its votes, the desires of its constituents. In the early stages of World War II, for example, the mass of the people as polled by the American Institute of Public Opinion (the “Gallup Poll”) favored higher taxes than those currently levied, to provide for more current and less deferred financing of the war; yet Congress, traditionally afraid of voting taxes because an election is never out of sight, borrowed rather than taxed. The people were also willing to accept a draft law before Congress could bring itself to this

² See Walter Lippmann's exposition of this highly restricted amount of popular control in his *The Phantom Public* (Harcourt, Brace, 1927); see especially pp. 41, 42, 56, 57, 61, 62, 126-128, 155.

necessary defense step.³ And so it goes. This observation is intended not as a criticism of Congress but rather as a basic appraisal of our whole governmental system, which does not, and quite possibly cannot, provide an accurate estimate of public opinion for the day-by-day use of the legislators. All our multifarious letters to the editor and to the congressman, although good enough as far as they go, do not give anything approaching an accurate estimate of the drift of public thinking. This statement is made, of course, on the assumption that the public actually is thinking about public issues—an assumption that would sometimes appear difficult to verify.

POPULAR CONTROL OF FOREIGN POLICY

➤ *Influence on the State Department.* One is sometimes tempted to believe that even where public opinion is definite the State Department goes its own way, following its preconceived policy. But it is a reasonable assumption that State Department officials believe in majority rule and are therefore predisposed toward popular control. Furthermore, there is among them an acute official awareness of congressional scrutiny of their budgets. Government employees know from bitter experience what can happen to their appropriations if congressmen are led by their constituents to believe that the Department is oblivious to public opinion. The Department indicated its attitude clearly in 1944, when it set up a Division of Public Liaison, some of whose duties are to analyze newspapers, editorials, public-opinion polls, and other available indices of what the man in the street thinks, insofar as it concerns foreign policy. Although the Department will not inflexibly commit itself to following that course of action favored by 51 percent of the voters, its officials make it clear that public opinion does carry weight in determining policy.

In 1949 Secretary of State Dean Acheson said in a speech:

In the long run, and very often in the short run, it is you citizens . . . acting directly through public opinion and through the Congress, who decide the contours of our policies and whether those policies shall go forward or waver and stop. We do our best to keep you informed and advised.

It rests in your courage and resolution and sacrifices to provide that national posture of steadiness and dependability which will make our country helpful, effective and respected in the community of nations. For one further thing we look to you—for understanding of the complexity and volume of this work and for some part of your thought. The work of a foreign office does not consist solely of a few people pondering the great questions which you read about on the front pages of your newspapers. It consists also of an almost incredible number of programs and actions which must be carried out by a large number of people coordinated and directed toward our major ends.

It may surprise you to learn that last year the United States participated

³ See William A. Lydgate, *What Our People Think* (Crowell, 1944).

in 6,000 international meetings; that the Department of State received from its representatives in the field 340,000 reports—more than a thousand every working day—each of which had to be analyzed and its information brought to focus at the point of action. All of this cannot be made simple and understandable in capsule form. It takes work and thought not only by the devoted and loyal men and women who do this work, but also by the American people.⁴

The Secretary of State did not say that foreign policy was determined by the people of the United States. The people have influence, he asserted, and their opinion helps decide “contours of our policies”; but Secretary Acheson was too honest a man to state the obvious untruth that the people govern in all aspects of foreign policy. One reason why the people cannot govern was given implicitly in the speech: the people cannot digest 340,000 consular and diplomatic reports a year.

➤ *Popular Nationalist Bias.* Public opinion is of little value unless it is at once interested, informed, and arrived at after detailed, open-minded, and intelligent study and estimation of the relative value of conflicting ideas.⁵ Difficult as this ideal is of attainment in matters of domestic politics, it is often almost completely unachievable in the foreign realm, where interest is often lacking, where information is strained through the nationalistic bias of newspapers, and where knowledge of foreign politics, economics, customs, and histories is insufficient to support adequate value judgments. Even at the present time, although American interest in foreign affairs is probably at its peacetime peak, and although few of us pretend to expert knowledge of the course of European history in recent decades, many of us are quite willing to accept easy generalizations about the militarism of the Germans or the deceitfulness of the French, and to assume without question that American diplomacy since 1920 has been largely concerned with pulling British chestnuts out of the fire. It was years ago that Mayor Thompson promised to “bust King George in the snoot” if that British monarch should be so unwary as to set foot in Chicagoland, but the xenophobia still exists today.

➤ *Popular Factual Knowledge.* In foreign affairs, lack of accurate current information is a major obstacle to sound, reasoned judgment. Frequently the State Department possesses data without knowledge of which the man in the street cannot form an intelligent opinion, but which, for valid reasons, cannot be made generally available. One such case developed in especially dramatic form in the early months of American participation in World War II: France had fallen and the men of Vichy were in control. The average American quite properly wanted no part of opportunist politicians such as Pierre Laval

⁴ *Department of State Bulletin*, Oct. 31, 1949, p. 669.

⁵ See the discussion of these matters in Lord James Bryce's *International Relations* (Macmillan, 1922); see especially Lecture VI, “Popular Control of Foreign Policy and the Morality of States,” pp. 176-205.

and his ilk, who manned the Nazi-dominated state, and this feeling was transferred to Admiral Darlan, who was in control of the French North African colonies. There was great hue and cry in the United States to the effect that we, in dealing with Darlan, were no wiser than Neville Chamberlain and his appeasers, of recent ill repute. The State Department was roundly cursed for its reactionary policy in associating itself with such persons. Then, in late 1942, came the American landings in North Africa, the first step toward the continental "second front" against Hitler, and the State Department was free to break the silence it had imposed on itself for weeks past. With a "now it can be told" air it revealed that the negotiations with Darlan were carried on not in a spirit of appeasement but on the successful theory that through him arrangements could be consummated for military operations that might materially shorten the war and economize expenditure of human life. The American public could not have been informed fully of policy motivations, because the tactical advantage of a surprise attack would have been sacrificed. It was these conflicting pressures for publicity and for secrecy that led Secretary of State Acheson, on a later occasion, to discourse on "the bureaucrat's dilemma—or why diplomats become dipsomaniacs."

➤ "*Open Diplomacy.*" With the wisdom of hindsight (in which, as someone has aptly remarked, everyone's vision is 20/20), few would be prepared to argue that the State Department should have informed the public fully as to the motivations of its Darlan policy; to have done so would obviously have been disastrous. Yet we are likely to have a yearning for "open diplomacy" and to take literally the first of Woodrow Wilson's famous Fourteen Points, in which he called for "open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view."

Taken at its face value, Wilson's requirement would mean placing press representatives at every international council table and dinner party, with probably even less international agreement resulting than is now obtained. Diplomats make requests of and even demands on foreign nations which they would be greatly surprised to see granted in their entirety. Like the man who asks his employer for a ten-dollar raise with the full expectation of settling happily for five after some maneuvering, the diplomat takes a position from which he is prepared to recede in the negotiating and horse trading of the international market. He thus gains a certain bargaining power which is universally appreciated by those who understand the rules of the game; he rarely expects to get all that he asks for, but he knows that he will certainly get no more. If, now, his initial demands are well publicized at home and he later reduces them as he has planned all along to do, nationalistic domestic newspapers will pounce on him as an inept dupe of foreign Machiavellian intrigue; he will be portrayed by the cartoonists as at best naïvely simple and at worst a traitor. The down-

right certainty of such a sequence of events was in all likelihood in the mind of Wilson when he wrote, according to his biographer, Ray S. Baker, "When I pronounced for open diplomacy, I meant, not that there should be no private discussions of delicate matters, but that no secret agreements should be entered into, and that all international relations, when fixed, should be open, above-board, and explicit."⁶ It is a far cry from a literal reading of the first Wilsonian point to the later gloss on it.

➤ *News Quality and Quantity.* The public necessarily obtains the bulk of its current foreign information through the daily press, although the newspapers' shortcomings in accuracy and extent of coverage are well recognized. We need not belabor the established datum that two journalists can begin with the same set of facts and yet edit them in such a fashion as to generate two diametrically opposite points of view. The quality of foreign-news reporting is often, although by no means always, mediocre, and this mediocrity is bound to be reflected in imperfect popular comprehension of international events. With a citizen, as with a physician, a superficial examination is likely to result in an inaccurate diagnosis.

The matter of quantity of news is more tangible. Although there are wide variations, indications are that even the larger metropolitan dailies do not ordinarily devote more than about 10 percent of their nonadvertising space to foreign news.⁷ In so limited a space there cannot be adequate coverage of even the most important international events. Furthermore, it may well be that even this meager fare is inadequately digested by the man in the street. Although no one knows accurately how much time the average person spends in reading his daily paper, one informed estimate places the expenditure at about twenty minutes.⁸ If foreign affairs must compete with all manner of other interests for a twenty-minute span of attention, the absolute amount of news fades into relative unimportance, and one understands why many individuals have little appreciation of the significance of international goings-on.

➤ *War-referendum Proposals.* In spite of these obvious weaknesses in the quality of public opinion, the proposal has often been advanced that certain important international steps, such as a declaration of war, should be taken

⁶ Quoted in DeWitt C. Poole, *Conduct of Foreign Relations Under Modern Democratic Conditions* (Yale University Press, 1924), p. 103. See Chapters 6-8 of this book for their discussion of problems of secret diplomacy and of popular information on foreign affairs.

⁷ See, for example, Julian L. Woodward, *Foreign News in American Morning Newspapers* (Columbia University Press, 1930), in which it is shown that in 1927 the average newspaper with a circulation of more than 50,000 devoted a little more than 5 percent of its news space to foreign events. For a broader and more recent analysis, see Frank L. Mott, "Trends in Newspaper Content," *The Annals*, Jan. 1942, pp. 60-65; the substance of this survey is reprinted in George L. Bird and Frederic E. Merwin, *The Press and Society* (Prentice-Hall, 1951), pp. 114-116. This study, which used ten prominent metropolitan dailies as samples, indicates that, between 1920 and 1940, 5 to 9 percent of their news space dealt with foreign affairs.

⁸ See Chilton R. Bush and Darwin L. Teilhet, "The Press, Reader Habits, and Reader Interest," *The Annals*, Jan. 1942, pp. 7-10.

only after approval through nation-wide referendum. Several considerations motivate such a suggestion. Primary is the thought that democratic processes should be applied to all major decisions, and that before war is declared the people who will have to do the dying should at least express their willingness to do so and their appreciation of the seriousness of the proposed action. Closely connected with this thought is the idea that the popular antipathy to war, which is shown by the necessity of a draft law to raise an army of modern proportions, would prevent a declaration of war and thus initiate international peace.

William Jennings Bryan was quoted as saying that a referendum on war "would give greater assurance of peace than any other provision that could be made."⁹ Similar was the thought of the senior Senator Robert M. LaFollette, who, during the debate of 1919, proposed the following reservation to American adherence to the League of Nations Covenant:

The United States hereby gives notice that it will withdraw from the League at the end of five years from the date of the exchange of ratifications of this treaty, unless within that time each member of the League shall have agreed that in no case will it resort to war except to suppress an insurrection or repel an actual invasion of its territory, until an advisory vote of its people has first been taken on the question of peace or war.¹⁰

Besides assuming implicitly that the people are well enough informed in foreign affairs to judge wisely the matter of going to war—an assumption that is certainly open to question—the LaFollette resolution explicitly assumes that the referendum would be only advisory, that it would not apply in case of invasion or insurrection, and that it would be operative only conditionally upon reciprocal action by other states. Manifestly these assumptions would materially limit the effectiveness of the referendum, and one is entitled to doubt the likelihood of its adoption by any major power and its efficacy even if adopted.

The same doubts may be entertained concerning the proposal brought forward several times between World Wars I and II by Representative Ludlow, of Indiana. He proposed that the Constitution of the United States be so amended as to provide that:

Except in the event of an invasion of the United States or its territorial possessions and attack upon its citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all the votes cast thereon in a nation-wide referendum. Congress when it deems a national crisis to exist may by concurrent resolution refer the question of war and peace to the citizens of the United States, the question to be voted on being 'Shall the United States declare war on _____?'¹¹

⁹ *Congressional Record*, Jan. 22, 1920, p. 1966; quoted in John M. Mathews, *American Foreign Relations* (Appleton-Century, rev. ed., 1938), p. 350.

¹⁰ *Congressional Record*, Nov. 25, 1919, p. 9410; quoted in Mathews, *op. cit.*, p. 350.

¹¹ Quoted in Carl J. Friedrich, *Foreign Policy in the Making* (Norton, 1938), p. 36. This volume also sets forth the objections to the war-referendum proposals, in pp. 35-39;

The reasons for the popular appeal of such a proposal are probably far more evident than its shortcomings. Opposition centers in the allegations that the people know too little about foreign policy to permit their making worth-while judgments; that such a referendum would tend to divide people who stand on the brink of war, at the very time when they most need unity; that an administration in favor of declaring war might so manipulate public opinion as to build up a war spirit for the coming referendum; that it would be possible for the administration simply to make war through utilization of the executive powers of command over the armed forces, rather than suffer the delay and uncertainty of a referendum; and that, since use of such a referendum would prevent us from declaring war or undertaking a military offensive until actually attacked, war would be fought on our own territory instead of on our enemy's, as it might be if we could take preliminary warlike steps before a hostile force left a foreign shore.

Those who believe that a war referendum would guarantee peace should be reminded that it does not take two to make a quarrel. Hitler proved that on September 1, 1939, and the Japanese added substantiation on December 7, 1941. No country, no matter how peace-loving and no matter how well protected by requirements of referendum before a declaration of war, is safe so long as Hitlers and Mussolinis and Tojos are at large and free to start wars unilaterally. The referendum would not have kept the United States out of World War II.

► *Popular Political Knowledge.* The assumption of Bryan, LaFollette, and Ludlow that the people in the mass are capable of forming adequate judgments about foreign relations in all their details should not go without scrutiny. For one thing, the American voter commonly shows apathy to most matters political, and normally he is even more apathetic to foreign affairs than to domestic politics. The person who is typically uninterested in such complex matters can scarcely be expected to acquire suddenly a capacity for clear analytical thought, simply because a threatening headline over a foreign date-line jars him out of his sluggishness.

Closely connected with apathy is the "incubus of ignorance."¹² We Americans, who pride ourselves on our vast public educational systems, are apt to ignore the fact that these systems do at best an incomplete job. We are amazed to hear, for example, that even in the midst of the 1944 Roosevelt-Dewey presidential campaign one opinion poll showed that 14 percent of the people

see also pp. 257-269, where the text of objections to the Ludlow proposal made by former Secretary of State Henry L. Stimson are reprinted. Referendum proposals somewhat similar to Representative Ludlow's are made by Thomas H. Shastid in *Give the People Their Own War Power* (G. Wahr, Ann Arbor, 1927); see also J. M. Mathews and C. A. Berdahl, *Documents and Readings in American Government* (Macmillan, rev. ed., 1940), pp. 196-198.

¹² This is the title of Chapter 11 of *The Man in the Street*, by Thomas A. Bailey (Macmillan, 1948). Chapters 9-13 should be consulted in this connection; the whole book is well worth while as a study of the impact of public opinion on foreign policy.

did not know Dewey's name; that in 1944, when a new League of Nations was being discussed in every newspaper, more than half of our citizens did not know that we had never joined the old League; that in 1945, at the time of the vastly important United Nations Conference on International Organization, only two out of three voters even knew that it was meeting, to say nothing of its purposes or actions; and that in the same year, when Japanese collapse was imminent, only a little more than half of the American citizens polled could name Hirohito as the emperor of Japan, some making such guesses as Fujiyama, Yokohama, and Hara-Kiri.¹³

One might excuse this ignorance on the ground that the military and personal aspects of the war had crowded governmental affairs into the backs of people's minds, but this answer would not justify the gaps found by the Gallup Poll in 1951. Then the public was asked to locate Manchuria, Formosa, and the 38th parallel and to identify the Atlantic Pact, Chiang Kai-shek, and Marshal Tito. To his great dismay Mr. Gallup discovered that only 12 percent of the adults polled could correctly answer these six simple questions, and that 19 percent could not answer even one of them. Another Gallup poll unearthed the disturbing fact that after the Marshall Plan had been in operation two full years one third of the American voters either knew nothing at all about it or were incorrectly informed concerning it.¹⁴

These figures, which concern relatively simple matters, are disconcerting to the person who wishes to confide to the mass of the people the responsibility for determination of such complex matters as international currency stabilization, preferential tariffs, or control of dependent areas. It is to be observed that the poll questions referred to above had to do only with matters of basic facts. Certainly knowledge of facts alone does not guarantee that a citizen will make wise choices of public policies; on the other hand, a citizen who fails to learn such simple facts as those mentioned is unlikely to be able to make sound value judgments involving not only knowledge but intimate comprehension of complex data.

It should be kept in mind that much of the American educational system, with all its trappings, is not used by many people. In 1947, of Americans twenty-five years of age or over, 50 percent had never gone beyond the eighth grade, and the median number of school years completed was 9.0.¹⁵ Simple observa-

¹³ *Ibid.*, pp. 131-132. For a discussion of popular knowledge of foreign affairs in general, consult Gabriel A. Almond, *The American People and Foreign Policy* (Harcourt, Brace, 1950); for a survey of popular knowledge of atomic energy and its implications, see L. S. Cottrell and S. Eberhart, *American Opinion on World Affairs in the Atomic Age* (Princeton University Press, 1948), pp. 3-60.

¹⁴ See George H. Gallup, "What We Don't Know Can Hurt Us," *New York Times Magazine*, Nov. 4, 1951, p. 12.

¹⁵ U. S. Bureau of the Census, *Statistical Abstract of the United States, 1951* (Government Printing Office, 1951), p. 110. (The Government Printing Office in Washington, D. C., publisher of official United States government documents, will henceforth be abbreviated as GPO.)

tion long ago convinced many students of government that there is a direct correlation between ignorance and jingoistic feelings, and this correlation has been established as fact by opinion polls. The man of scant education is likely to be the one who believes that we can effectively settle most or all international issues simply by dropping an atomic bomb on our current opponent. If efficient democracy depends upon efficient popular education—as we have long assumed—one is entitled to look reprovingly on an American public that annually spends on education about one third to one half as much as it spends on either liquor or cosmetics.

➤ *A Role the Public Can Play.* The foregoing critical comments on the masses' ability to handle complex issues are not designed to drive the reader to the extreme antidemocratic belief that the masses should have no control of government under any conditions. It is entirely probable that, untrained as the average man may be in the details and technicalities of foreign affairs, he may still be competent to reach valid and defensible judgments on relatively simple basic issues. He may, for example, wisely determine after a period of public debate that it is in the long-run interests of the United States to provide Marshall Plan aid to Europe as a means of staving off communism and protecting the free world's economy. He need not be competent to determine the details of such a policy: whether it should be financed by gifts or loans, whether it should be accompanied by tariff-rate changes, or whether European reconstruction is best served by American exports of food, seeds, fertilizer, or heavy industrial machinery. The man in the street is quite able to determine what kind of home he wishes to own, and we need not patronize him because he needs expert architectural assistance to work out the construction details.¹⁶

PRESIDENTIAL CONTROL OF FOREIGN POLICY

If the people do not completely control their own foreign policy, who does? Fundamentally, the President does. He is the chief executive, and he is generally accepted as the first-ranking citizen as well as the leader of a major political party.

The President's constitutionally granted powers over foreign affairs are vast. In the second and third sections of Article II of the Constitution are found these authorizations:

The President shall be commander in chief of the army and navy of the United States. . . . He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls. . . . He shall from time to time give to the Congress informa-

¹⁶ A good exposition of the practical impossibility of having complete popular control of foreign policy is that by C. J. Friedrich, *op. cit.*, pp. 40-115.

tion of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them. . . . He shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Considering the vast importance of foreign relations to the United States, one may be somewhat surprised at the brevity of the constitutional references to such matters. Here again one must remind himself that this basic document was drawn up in 1787, in a day when foreign affairs were distant and were considered relatively unimportant. The situation is obviously vastly different today, when the United States is not only vitally concerned with international relations but plays a leading role in their development. At any rate, although greater specificity could be expected concerning foreign affairs if the Constitution were drawn up today, that document does make it clear that the major responsibility for their conduct is vested in the President.

➤ *Military Powers.* The President has extensive powers as commander in chief of the armed forces not only in wartime but in peacetime as well. Without any authorization by Congress he can constitutionally make war, whether or not Congress formally declares it. This power was exercised when marines were sent to Nicaragua; when President Wilson ordered General Pershing and his troops to suppress the banditry of Pancho Villa in Mexico; when President Roosevelt ordered American destroyers on antisubmarine patrol in the North Atlantic in 1940 to sink submarines on sight; and—best example of all—when President Truman, in June 1950, ordered General MacArthur to oppose the invasion of South Korea by the employment of all available military forces. None of these actions resulted from direct congressional authorization, much less from a declaration of war; but each was practically, if not legally, an act of war and might easily have led to war in the formal sense. It is worth remembering that American troops have been landed on foreign soil more than one hundred times without declaration of war.¹⁷

When warlike action is taken without congressional authorization, sooner or later current appropriations for the army and navy will become exhausted and Congress must be asked for more; but if the initial military operations have already involved the country in war, the legislature has no practical alternative and must provide the funds. The President may decide, as Theodore Roosevelt did, to send the fleet around the world as a demonstration of force; if it runs out of funds and supplies in the Far East, Congress must either appropriate

¹⁷ See Milton Offutt, *The Protection of Citizens Abroad by the Armed Forces of the United States* (Johns Hopkins Press, 1928); also James Grafton Rogers, *World Policing and the Constitution* (World Peace Foundation, Boston, 1945). Many of the precedents in this matter are compiled and discussed by the staff of the Senate Committee on Foreign Relations in *Powers of the President to Send the Armed Forces Outside the United States*, Committee print, 82nd Congress, 1st Session (GPO, 1951).

barrassed, stammered out the request that it be permitted to discuss the proposals in the President's absence; this so angered him, it was reported, that he stamped out of the Senate chamber muttering that he would be seen in blazes before he ever returned there. At that time the Senate was of course a relatively small body, consisting of only twenty-six men, not too many to permit some degree of informal consultation; today, with nearly one hundred members in the Senate, it is obviously too large to be useful as a legislative council, and it may be just as well that Washington set the precedent he did. In any case, the practice was early established that the Senate would not be called upon for prior advice in treaty negotiation, and that the President would assume the initiative and then lay the completed document before the upper house. This precedent neither precludes the oft-employed presidential device of informal consultation with individual influential senators nor militates against the politically astute practice of appointing senators as delegates to international treaty-making conferences.

➤ *Appointment of Diplomats.* Outside the continental limits of the United States the usual agents for foreign negotiations are the chiefs of diplomatic missions, and they are without exception appointed by the President, with senatorial consent. Rarely is a presidential nomination to a diplomatic post turned down by the Senate;¹⁹ and even if it is, the President may wait until the end of the congressional session and then offer his favorite a recess appointment, which is constitutionally valid until the conclusion of the next session of the Senate, a matter of a year or so.

In one way or another, then, the President has great leeway in the matter of Foreign Service appointments, and men in whom he reposes his confidence will presumably do his bidding. What is, however, more important than the power of appointment is the power of removal, which is the often-overlooked source of real executive control. The President may for political reasons be forced to accept the appointment of a man not of his own choice, but as long as he retains the unrestricted right of removal from office he holds the whip hand over that appointee, who, if he does not follow presidential orders, may be removed summarily from his post. Although the Senate can check the President's appointments, it has no legal control over removals, which can be made at will, with or without valid or publicly expressed reasons. Thus again the President is the one in whom the real power reposes in the long run. In this connection it may be noted that the chiefs of diplomatic missions tender formal resignations at the end of a presidential term, thus making it easy for the President to reshuffle the line-up if he so desires.

➤ *Reception of Diplomats.* Although the President may be restricted by

¹⁹ This occurrence may be rare, but it is not unknown. For example, in 1943 President Roosevelt nominated Edward J. Flynn, the New York political boss, as minister to Australia. In the face of much popular outcry against the nomination and senatorial refusal to act on it, Roosevelt withdrew Flynn's name at the latter's request.

the Senate in his choice of diplomats, neither Congress nor the Supreme Court can interfere with or legally control his reception of the diplomatic representatives from other states, and the reception of certain foreign officials may have far-reaching political repercussions. Considerations of high international policy may be present. Thus in 1933 President Roosevelt decided upon recognition of the Union of Soviet Socialist Republics, and with Congress unable to impede his policy he was free to receive Maxim Litvinov as ambassador and to negotiate agreements with him. Whether or not a formal treaty was negotiated and approved by the Senate was of secondary importance; the primary fact of the matter was that by the simple act of receiving and negotiating with Litvinov the President accomplished the act of recognition of the Soviet Union and thus took a step which had been long debated and was still hotly protested in many quarters. He determined and executed the policy without congressional control. In January 1934 the Senate confirmed the appointment of William Bullitt as our ambassador to the Soviet Union, and normal diplomatic relations were established.²⁰

➤ *Rupture of Diplomatic Relations.* As important as the reception of a diplomatic representative from a new state or government may be, the dismissal of a diplomat is likely to have even greater political significance. Here we are not concerned with the normal transfers and retirements that take place in any diplomatic service and that have little or no political import; we are concerned with the demand by the President that a foreign government recall its chief of diplomatic mission in Washington, or with the extreme case of outright dismissal of the diplomat by the President. Such action will be taken only under unusual provocation, and it may well be the diplomatic prelude to a shooting war. In view of the potentially serious consequences, it is apparent that the President's authorization to determine that a minister or ambassador is *persona non grata* and, as the diplomatic lingo goes, to "give him his passports" is an extremely broad grant of power. A less serious step is recall by the President of an ambassador "for a vacation at home," "for consultation," or on a frank avowal of dissatisfaction with the policies of the government to which he has been accredited. This indicates considerable diplomatic displeasure with the receiving government but does not constitute a rupture of diplomatic relations, since the embassy remains open under the supervision of a lower-ranking official, who is designated as *chargé d'affaires ad interim*.

➤ *Public Speeches.* The constitutional provisions previously quoted give the President still further powers, in the matter of his regular and special messages to Congress. Traditionally in these he summarizes political events of the

²⁰ "Recognition, as it is known to international law, belongs, it seems clear, to the President alone, or to the President in conjunction with the Senate," Corwin, *op. cit.*, p. 82. Says T. H. Lay, *op. cit.*, p. 56: "In practice, recognition has always been accorded by the authority of the President, but in a few cases he has first sought the approval of Congress or of the Senate."

recent past and proposes measures for the consideration of Congress. The President is free to use these moments when he stands in the national spotlight to announce foreign policies of great pith and moment. Several types of messages and addresses have at one time or another been used for this purpose.

The annual message to Congress on the state of the union is a formal affair in which the President is likely to appear in person before a joint session, although from Jefferson to Wilson the messages were sent to Congress to be read by a clerk. Whether he appears personally or not, he can be assured that evening papers all over the country will carry full reports of this outstanding news event. One of the most notable annual presidential messages used for purposes of international political pronouncement was the famous one of 1823, in which Monroe propounded the ideas that we now call the Monroe Doctrine. In this instance, without prior consultation with Congress, the President announced to the world in general and to Spain and Russia in particular that considerations of the military defense of the United States would impel it to prevent further European imperialism in the American continents.

Similar to the annual message but normally dealing with a narrower range of events or proposals is the special message, which the chief executive is privileged to take or send to the legislature at any time. The very fact that it is not a routine communication tends to concentrate the glare of publicity on the one policy which he may then enunciate. An outstanding example is President Truman's special message of March 12, 1947, in which he announced what was promptly labeled the "Truman Doctrine." It proposed the immediate grant of financial aid to Greece and secondarily to Turkey, in order to help rebuild the economy and government of the former and to help maintain the military forces of the latter as a means of forestalling the communization of these countries. The long-range significance of this pronouncement was not immediately apparent in all its details; but it was manifest that, if aid to these countries was desirable in order to prevent their domination or absorption by the Soviet Union, then there might be many other countries in which similar precautions should be taken. Whatever the long-run potentialities may be, it was a policy pronouncement of major importance, and the fact that the proposal could not be put into operation without congressional appropriations did not detract from its significance as showing the intentions of the American President.

Still other types of presidential addresses may be used for the same general purposes. On March 4, 1933, Franklin D. Roosevelt's first inaugural provided the occasion on which he announced that "in the field of world policy, I would dedicate this nation to the policy of the good neighbor." Another extremely influential message, to which detailed attention will be given in a later chapter, was George Washington's famous Farewell Address, in which he advised his "friends and fellow-citizens" to have as little political connection with Europe as possible. This policy, initiated by the President independently, rather

than at the instigation or under the control of Congress, has had enormous influence on the course of American foreign relations.

Another type of address is somewhat similar to the special message to a sitting session of Congress. The President has the constitutional power to call either or both houses into special session and then to inform them by message of the reasons for his action and to request that they adopt whatever policy he has in mind. He may have negotiated a treaty, for example, and he may call the Senate alone into extraordinary session to obtain its advice and consent to ratification; like the special message, this device enables him to concentrate the interest of the nation on one policy and to use the force of his personality and position to bring about its adoption by the Senate.

The President need not consider himself restricted within even the wide limits of the official communications discussed above, for he may easily go beyond them and make important policy announcements to unofficial gatherings of private citizens at home or abroad. Such was the pronouncement of Woodrow Wilson in 1913 in which he told the Southern Commercial Congress at Mobile that the United States would "never again seek one additional foot of territory by conquest."²¹ Such was the famous speech of Franklin Roosevelt to the Woodrow Wilson Foundation late in 1933 in which he flatly stated that "the definite policy of the United States from now on is one opposed to armed intervention." Such in its intention was President Roosevelt's famous "quarantine the Japanese aggressor" speech of 1937, in Chicago, but in this instance the result was a negative one; public opinion in the United States was not yet ready to go along with a positive and forceful international policy.

Somewhat different in type was the statement made by Roosevelt and Winston Churchill in the "Atlantic Charter," on August 14, 1941, to the effect that their countries seek "... no aggrandizement, territorial or other," and that they "... desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned."

Policy pronouncements are not necessarily made by the President alone. Subordinates, speaking with his knowledge and approval, may announce policies of great significance. One of the best examples is the famous address of Secretary of State Marshall at the Harvard University Commencement exercises on June 5, 1947, in which he proposed the "Marshall Plan." In public speeches, in press releases, and in public letters to congressional committees or their chairmen, the President and high officials of the State Department may announce to the country and indirectly to the world the policies that will be followed at least during their continuance in office. Almost numberless are the devices whereby an alert and aggressive President may make the force of his personality effective.

➤ *Administration of Laws.* Finally, mention must be made of one more

²¹ Quoted in Mathews, *op. cit.*, p. 326.

constitutional duty and power of the chief executive: to "take care that the laws be faithfully executed." During the series of debates and legislative enactments on American neutrality during the late 1930's the President was given discretionary power to declare the existence of a state of foreign war, and certain legal consequences were to ensue when he made the declaration. It will be remembered that President Roosevelt never found that a state of war existed between China and Japan, although armies and other nationals of the two countries had been shooting at each other with considerable regularity since the Manchurian episode began, in September 1931. Neither had formally declared war upon the other, and in that technical sense war did not exist; but the military operations that each conducted against the other satisfied the layman's definition of war. Nevertheless, Roosevelt refrained from officially finding the patent fact, because to do so would have necessitated the imposition of arms embargoes, which would have adversely affected our friends the Chinese much more seriously than our unofficial adversaries the Japanese. The discretionary power given to the President or assumed by him under neutrality legislation allowed him great leeway in making foreign policy.

A high point in the granting and use of presidential discretionary power in recent nonwar years was reached in and as a result of a congressional joint resolution of 1934; it provided that if the President found that an embargo on the sale of arms and munitions to Bolivia and Paraguay might "contribute to the reestablishment of peace between those countries," which were currently at war over the Chaco boundary, he might, after consultation with the other American republics, proclaim such an embargo, violation of which would be a punishable crime. Here was a law that he must faithfully execute; but since there was no legislative statement of the evidence or circumstances that might influence or determine his decision that an embargo might help restore peace in the Chaco, his discretionary power was substantially unlimited. An American corporation was convicted under this law for selling machine guns to Bolivia in violation of the embargo which the President had proclaimed immediately after the passage of the act. On appeal to the Supreme Court, that body, with only one justice dissenting, held that the 1934 law, contrary to the corporation's contention, did not unconstitutionally delegate legislative power to the President and was legally unassailable.²²

The immediate issue was the power of Congress to make the law, but in the course of its opinion the Court made it abundantly clear that in foreign relations Congress and the President had a plenitude of authority that was not subject to all the restrictions that prevail in purely domestic matters.²³ The

²² *United States v. Curtiss-Wright Export Corporation*, 299 U.S. 304 (1936).

²³ In the case of *Missouri v. Holland*, 252 U.S. 416 (1920), the Supreme Court held that it was possible for Congress to pass certain laws (such as one protecting migratory birds) in execution of a treaty, although the Constitution granted Congress no such power. This decision also demonstrates the relatively great breadth of the federal power in matters of international relations.

Court hinted that such a law as that under review might have been an unconstitutional delegation of legislative power had it concerned only internal affairs; a discussion followed which is so pertinent to the problem being treated here that lengthy quotation is warranted:

The two classes of powers [foreign and domestic] are different, both in respect of their origin and their nature. The broad statement that the federal government can exercise no powers except those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs. . . .

Not only, as we have shown, is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument of March 7, 1800, in the House of Representatives, 'The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.' *Annals*, 6th Cong., col. 613. . . .

It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution. It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war. He has his confidential sources of information. He has his agents in the form of diplomatic, consular and other officials. Secrecy in respect of information gathered by them may be highly necessary, and the premature disclosure of it productive of harmful results. Indeed, so clearly is this true that the first President refused to accede to a request to lay before the House of Representatives the instructions, correspondence and documents relating to the negotiation of the Jay Treaty—a refusal the wisdom of which was recognized by the House itself and has never since been doubted. . . .

We deem it unnecessary to consider, *seriatim*, the several clauses which are said to evidence the unconstitutionality of the joint resolution as

involving an unlawful delegation of legislative power. It is enough to summarize by saying that, both upon principle and in accordance with precedent, we conclude there is sufficient warrant for the broad discretion vested in the President to determine whether the enforcement of the statute will have a beneficial effect upon the reestablishment of peace in the affected countries; whether he shall make proclamation to bring the resolution into operation; whether and when the resolution shall cease to operate and to make proclamation accordingly; and to prescribe limitations and exceptions to which the enforcement of the resolution shall be subject. . . .

This is not by any means the only occasion on which the Supreme Court has recognized the relatively great powers of the President in the conduct of foreign relations.²⁴

It is worth while recording also the opinion of our first Secretary of State concerning presidential control of foreign relations. In connection with the Genêt episode, Thomas Jefferson wrote:

The President is the only channel of communication between this country and foreign nations, and it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation; and whatever he communicates as such, they have a right, and are bound to consider as the expression of the nation and no foreign agent can be allowed to question it, to interpose between him and any other branch of Government under the pretext of either's transgressing their business.²⁵

CONGRESSIONAL CONTROL OF FOREIGN POLICY

➤ *Constitutional Powers of Congress.* Although the President may be nearest the center of gravity in the determination of foreign policy, one does not dare overlook the role of Congress. Pre-eminent in this regard is its prerogative of declaring war, along with the ancillary powers "to raise and support armies" and to "provide and maintain a navy." As has been indicated, however, the power to declare war is a hollow privilege if the President has already by his own actions brought a state of war into existence.

There are other powers which Congress may exercise under the Constitution in such a way as to affect our relations with foreign countries. Only Congress has the power to regulate foreign commerce; such varied matters as tariffs, embargoes, and immigration thus fall within its jurisdiction. That this power may be used in such a fashion as to promote or to hinder friendly relations is obvious. Congress also has the constitutional power to regulate naturalization and to provide for punishment of offenses against the law of nations.

²⁴ In *Chicago and Southern Air Lines v. Waterman Steamship Corp.* the Court held that the section of the Civil Aeronautics Act which authorizes judicial review of the orders of the Civil Aeronautics Board did not apply to orders granting or denying permits to engage in foreign air transport, which orders are subject only to approval by the President. 333 U.S. 103 (1948). See comment in *American Political Science Review*, Apr. 1949, pp. 279-280.

²⁵ Quoted by Graham H. Stuart, *The Department of State* (Macmillan, 1949), pp. 19-20.

► *Senate Control of Appointments and Treaties.* Still other aspects of congressional control are the powers of the Senate by a majority vote to confirm the President's appointment of diplomats and by a two-thirds vote to approve treaties and send them on their way for ratification. It was this two-thirds requirement that gave rise to the disappointed and cynical remark of John Hay, Secretary of State at the turn of the present century: "A treaty entering the Senate is like a bull going into the arena. No one can say just how or when the final blow will fall. But one thing is certain—it will never leave the arena alive." Although extreme, this statement contains much truth, for the two-thirds rule has on occasion prevented major international undertakings of the United States, and it does permit flagrant minority control. It is mathematically possible, although unlikely, for a treaty to be defeated by the votes of senators representing only 3 percent of the country's population. Concomitantly, under the two-thirds rule one "nay" vote is the practical equivalent of two "yeas."²⁶

The two-thirds rule has not actually prevented the adoption of a great number of treaties, but among those killed have been several of outstanding importance, such as the Versailles Treaty and the League of Nations Covenant, the World Court protocol, and the 1934 St. Lawrence Seaway treaty. On the other hand, although the absolute number of victims of the two-thirds rule is small, there is no way of estimating accurately how many treaties have been revised, or not negotiated at all, because of the administration's fear of their fate in the Senate chamber. The latter number is bound to be considerable, and this fact constitutes another count against the rule. It is not without interest that only two other states, Guatemala and Liberia, have such a two-thirds rule.

The great difficulty usually encountered in getting major political treaties through the Senate, and the likelihood that if they do pass they will be saddled with amendments and reservations, have led to an increasing use of means other than treaties to register international agreement. For many years the device of the "executive agreement" has been employed, under which the President pledges his word as chief executive of the United States to follow a given course of foreign or domestic action. Another type of executive agreement, exceedingly common in recent years, is founded upon advance authorization by Congress. Probably the best-known agreements of this type are those reached under the Reciprocal Trade Agreement Act.²⁷ Congress through the years has

²⁶ The constitutional requirement of a two-thirds vote in the Senate for treaty approval has been the subject of a vast amount of criticism. See, for example, W. Stull Holt, *Treaties Defeated by the Senate* (Johns Hopkins Press, 1933); Denna F. Fleming, *The Treaty Veto of the American Senate* (Putnam, 1930); Kenneth Colegrove, *The American Senate and World Peace* (Vanguard, 1944); and Estes Kefauver and Jack Levin, *A Twentieth-Century Congress* (Duell, Sloan and Pearce, 1947), Chapter 7.

²⁷ On these agreements and the reciprocal trade program, see Chapter 8 of the present book. On executive agreements in general, see Wallace McClure, *International Executive Agreements* (Columbia University Press, 1941).

shown an increasing disposition to rely on the joint resolution by which international responsibilities are assumed or the President is authorized to proceed in the name of the United States; thus a simple majority vote in both houses substitutes for the two-thirds requirement in the upper chamber. This device has been used to bring about American membership in several postwar organizations, such as the UN Food and Agriculture Organization and the UN Educational, Scientific and Cultural Organization. Agreements and resolutions of this kind nowadays outnumber formal treaties ten to one.

Such techniques as those just described are frequently nothing more or less than evasions of the Constitution; whether or not they are justifiable is a matter of much argument. There are many who, in view of the difficulties posed by the two-thirds rule, would willingly continue to thwart it by the means mentioned. Others agree in condemning the rule, but would prefer to regularize their substitution by amending the Constitution to provide that treaties be approved by simple majority votes in both Senate and House. This proposal is defended on the grounds that a majority vote is more democratic than a two-thirds vote and that the House as a part of the legislature is entitled to a voice in the making of treaties, which, once ratified, become the law of the land and frequently entail expenditures that are within the bailiwick of the lower house. Several such projected amendments have been approved by the House; whether any will be adopted is an open question, but certainly they have much logic behind them.²⁸

➤ *Power of the Purse.* Whereas the above-mentioned congressional powers may be exercised only sporadically, another—the power of appropriation—is in operation almost continually. Seldom does a wise President or Secretary of State take a major step without inquiring into the sufficiency of appropriations and into probable congressional reactions to requests for more. He knows that budget hearings are never more than twelve months away and that the memory of an irked congressman can be excellent. The President may find continuation of his pet program balked for want of funds because someone of importance at either end of the Capitol has conceived a passionate dislike for him. It is not at all beyond the realm of possibility that a foreign program may be starved out financially not so much because of congressional antipathy to the policy involved as because the issue presents an opportunity for Capitol Hill to flex its muscles and to remind the White House that the latter does not own the keys to the Treasury. Likewise a foreign policy may be hamstrung for lack of funds simply because some legislators are opposed to a domestic policy

²⁸ An excellent article surveying the two-thirds rule and related matters and recommending the type of constitutional amendment here mentioned is John Sloan Dickey, "Our Treaty Procedure Versus Our Foreign Policies," *Foreign Affairs*, Apr. 1947, pp. 357-377; see also Colegrove, *op. cit.*, Chapter 8. A prominent professor of law has stated the case against abandonment of the two-thirds rule: Edwin M. Borchard, "Treaties and Executive Agreements," *American Political Science Review*, Aug. 1946, pp. 729-739.

of the President and seize upon this means of venting their spleen, quite without regard for the intrinsic merits of the foreign policy at issue. Conversely, Congress may initiate foreign policy through its financial powers, as it did in 1950 when it ordered the granting of a \$62,500,000 loan to Spain over the objections of President Truman. The fundamental strategic importance of the power of the purse is appreciated quite as well by twentieth-century American legislators as it was by their English parliamentary forebears, who centuries ago used it as a tool to wrest supremacy over their government from their king.

➤ *Exaggerated Pretensions.* In exercising the powers discussed thus far, Congress is on sound constitutional grounds. But on more than one occasion in the past it has attempted to claim a disproportionate influence on the determination of foreign policy. Thus, for example, ran a congressional resolution of 1864:

Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States, . . . ; and it is the constitutional duty of the executive department to respect that policy, not less in diplomatic negotiations than in the use of national force when authorized by law; and the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; . . .²⁹

This bombastic overstatement of the case could not be constitutionally supported even in those troubled times, and certainly it does not represent the current view of congressional prerogatives.

A similar example, this time in the form of a law, was the act of March 4, 1913, which prescribed that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event, without first having specific authority of law to do so."³⁰ This law is manifestly unconstitutional, since the Constitution gives to the President the power to negotiate treaties; Presidents can and do ignore the law with impunity. Another law that Presidents disregard is one passed in 1909, which stipulated that "hereafter no new ambassadorship shall be created unless the same shall be provided for by an act of Congress." Some ambassadorships have been created pursuant to this act, but others have been arranged by the President alone.³¹ Sometimes Congress bluffs, and sometimes its bluff is called.

➤ *Policy Resolutions.* To say that Congress cannot declare foreign policy does not mean that it cannot influence it, or at least attempt to do so. On occasion resolutions of one or the other house have borne great weight in policy determination, a notable example being the 1912 interpretation of the Monroe Doctrine whereby the Senate, by overwhelming vote, adopted a resolution opposing the leasing of land by a Japanese corporation on Magdalena Bay,

²⁹ Resolution of Dec. 19, 1864; quoted in Mathews, *op. cit.*, pp. 330-331.

³⁰ 37 Stats. at L. 913. See Lay, *op. cit.*, p. 58; also Wright, *op. cit.*, p. 328.

³¹ See G. H. Stuart, *American Diplomatic and Consular Practice* (Appleton-Century, 1933), p. 47.

in Lower California. It considered that such a leasehold might be the entering wedge for foreign political control and colonization in Mexico, in direct violation of President Monroe's principles of 1823.

On other occasions Congress has been more modest. In the 1820's and 1830's, resolutions were several times proposed asking the President to recognize and enter into diplomatic relations with the states of Latin America that had recently established their independence from Spain. On at least one occasion the proposal was made to the House (although not adopted) that it appropriate the necessary money to pay the salary and other expenses of diplomatic missions to some of these countries, should the chief executive see fit to send them.²² These were obvious attempts to force the President's hand, but legally they represented attempts to influence his policy rather than actually to control it.

A vastly more significant example of senatorial resolution in foreign matters is the "Vandenberg Resolution" of 1948. Here was no attempt to force the President's hand; quite the contrary. In effect the Senate said, when it adopted this resolution, in June 1948, that it was prepared to back the President in proposals for strengthening the United Nations and more particularly in negotiating the instrument which, a year later, came into existence as the famous North Atlantic Treaty of mutual security.²³

➤ *Requests for Information.* Still another type of influence is often used by Congress, although normally with commendable restraint: the request for information from the President or the State Department. It may represent a straightforward desire of Congress or of either house for information thought to be in the possession of those offices, or it may be a barbed request which it is hoped will embarrass the one to whom it is addressed. In either case, the saving grace of this practice is that such requests are almost without exception conditioned by the insertion of the phrase "if not incompatible with the public interest"; the addressee may reply that the matter requested is of secret nature and cannot be divulged without undesirable consequences. Obviously, if the President replies too often that he cannot supply the information, on the ground of incompatibility with the public interest, Congress may become extremely suspicious of the truth of the statement and may treat him parsimoniously when the next budget comes up for consideration.

An example of the barbed request for information was supplied on January 18, 1940, when Senator Vandenberg, then being still of isolationist persuasion, introduced the following resolution:

Resolved, That the President is requested to report to the Senate, if not incompatible with the public interest, whether the Union of Soviet Socialist Republics has fulfilled the obligations of the Litvinov agreements of

²² See John B. Moore, *op. cit.*, Vol. I, pp. 67-254, especially pp. 76-84.

²³ See S. Res. 239, 80th Congress, 2nd Session. For a discussion of this resolution, see Chapter 4 of the present volume.

November 16, 1933, upon which our diplomatic relations with the Union of Soviet Socialist Republics were then and are now made wholly contingent.³⁴

Manifestly, the Senator was prepared to answer his own question and to affirm that the Soviet Union had broken its agreements; this was made doubly clear by an accompanying statement, in which he decried the recognition of the USSR and asked that it be withdrawn. He was not actually seeking information, but was trying to heckle the administration; nevertheless the resolution contained the saving clause "if not incompatible with the public interest."

JOINT CONTROL OF FOREIGN POLICY

One who has thoughtfully read the foregoing pages will by this time have made a sound criticism of them: they represent a legalistic view of what is essentially a human, political problem. No one can long observe the national scene without becoming aware that often the law counts for less than the politics and the practice, and this is true of foreign as well as domestic actions. It is stating a legal fact to say that the President determines our foreign policy in the main, but this is not telling the whole truth.

It is true that the President can, if he wishes, give an unpopular diplomat a recess appointment and renew it from year to year, thus flouting the expressed will of the Senate. Such things have happened. It is true that the President's military powers allow him, without a declaration of war by Congress, to engage in operations that bring the country to the brink of war. It is true that he can refuse to comply with requests for information. But it is also true that the President who makes a habit of such practices is asking for trouble, and that sooner or later the Congress will punish him by refusing confirmation of other and unrelated appointments or by cutting his budget. Any successful President must be an astute politician; this term is not used here as one of opprobrium but rather as a description of a man who has mastered the arts of compromise and of handling men. He knows as well as Congress that they must play ball on the same team, that they must make concessions to each other and play according to accepted if unwritten rules, for otherwise the game will break up in a riot. Occasional dramatic exceptions do not destroy the force of the general rule.

➤ "*The Great Debate.*" In 1951 there raged what came to be popularly called "The Great Debate" over the powers of the President to send troops to foreign countries without the consent of Congress. The issue arose mainly in connection with American commitments to defend Europe under the North Atlantic Treaty.

The President maintained sharply that as commander in chief of the armed forces he had the responsibility and the power to order troops to those places

³⁴ *Congressional Record*, 75th Congress, 3rd Session, p. 748.

where he thought they were needed, regardless of the wishes of congressmen. His legal position was a sound one. On the other hand, some senators, mainly Taft (Ohio) and Wherry (Nebraska) maintained with equal asperity that the President did not have the right to move troops abroad without prior congressional consent. This position was clearly extreme, and Taft later receded to the point of holding that the President could but should not send troops without consent. As a matter of policy rather than law, the latter statement may well have been correct. At all events, for a considerable time both sides held rigidly to their positions, the President maintaining that he was commander in chief and various members of Congress just as stoutly holding that since they make appropriations they should dictate how the money was to be spent. Ultimately both receded to far more realistic attitudes, which recognized that each had much law on his side, but that law was not everything.

In the course of the debate, on January 22, 1951, Senator Ferguson (Michigan) uttered some wise words in the Senate; after discussing the constitutional authorities pro and con, he concluded:

On these precedents, . . . the question of constitutionality . . . must remain open in 1951. . . .

Mr. President, what I have discussed thus far deals mainly with the legal and historical relations between the President and Congress. It does not touch upon or dispose of the policy question. Statecraft operates more in the area of conscience than in strict legality. Even if it were constitutional, legal, and proper for the President to assert a personal power against the Congress, he ought not do it in a matter involving the lives and fortunes of all our people. . . .

The idea of sending American troops overseas as something of a permanent garrison in Europe is new in American history. It is a tremendous decision to make. It should not be made as the result of a dispute on powers between the President and Congress. It should be made by the President and Congress working in the closest teamwork. In no other way can the confidence, strength, and support of the people be mobilized. . . .

➤ *Bipartisan Conference Delegations.* The necessity of cooperation between the White House and Capitol Hill and the wisdom of not exerting presidential prerogatives up to the legal hilt has not been better demonstrated than by the policy pursued by Presidents Roosevelt and Truman in the formation and early operations of the United Nations. Franklin Roosevelt knew his recent political history, and he had personally witnessed the fatal blunders made by President Wilson when he antagonized the Republicans by his appeals in the congressional campaign of 1918 that Democrats be elected and when he poured salt in the wound by taking no senator and no prominent Republican with him as delegates to the Versailles peace conference, in 1919.

When the time came for President Roosevelt to organize his delegation to the United Nations Conference on International Organization, in the spring

of 1945, he very wisely selected, among others, not only Senator Connally, then chairman of the Senate Foreign Affairs Committee, but also Senator Vandenberg, ranking Republican (minority) member of the same committee. President Truman continued this policy at various meetings of the United Nations and of conferences of foreign ministers. Thus Wilson's mistakes of ignoring Congress and the opposition party were not repeated. A President runs dangerous risks when he allows himself to forget that in the conduct of foreign relations he is captain, but the team includes senators and representatives, Republicans and Democrats. Truly "statecraft operates more in the area of conscience than in strict legality."

➤ *Bipartisan Foreign Policy.* The inclusion by a Democratic President of prominent Republicans on delegations to international conferences was widely commended; it was hoped that this wartime submergence of domestic political partisanship would be continued into the period of the peace.

During the war both parties agreed that politics should stop at the water's edge, and in the main they held to their pledges. After 1945 one heard much of a "bipartisan foreign policy," which revolved largely around the personality of Senator Arthur Vandenberg (Republican of Michigan) who, having once been a staunch isolationist, changed his mind near the end of the war and determined that the country's interests demanded international cooperation. As long as he was alive and active, the principle of bipartisanship seemed to work, although progressively less satisfactorily as the unifying force of the war receded further into the background. Bipartisanship was never clearly defined as a concept, but in general it was an assumption that the majority party should consult with minority leaders in the determination, and to some extent in the execution, of foreign policies; the minority for its part would largely refrain from purely partisan criticism of policies thus jointly evolved.

The question that comes to the minds of many is: if the policy can be defined approximately as it is in the preceding paragraph, can it actually work? Is bipartisanship anything more than a form of politeness, which can be expected to be observed only during wartime? Certainly on more than one occasion it has appeared to the bystander that bipartisanship was nothing more than a blind behind which the majority party hid when demanding unquestioning support by the minority, and behind which the minority hid when it did not care for some proposal of the majority and therefore complained bitterly that the latter was going its own selfish way, without listening attentively enough to the expressions of its opponents.

Grave doubt may be expressed as to the long-run possibilities of truly cooperative design and execution of foreign policy in all its details. We operate under a system in which one party is responsible for the efficient operation of the national government for four years at a time; and, although that responsibility may be shared in time of crisis, it is exceedingly doubtful

that either party will feel able to take the other into its inner councils and give it truly coordinate power in the development of foreign, any more than domestic, policy. One hopes, of course, that the uglier excrescences of partisanship may be trimmed off in foreign affairs, but it is asking a great deal of Democrats and Republicans who have opposed each other on scores of issues for nearly a century past suddenly to lie down together like lambs. If the individual voters are divided as to what our foreign policies should be, one may expect a reflection of that fact in congressional views and votes. Furthermore, we generally assume that a major and useful function of the minority representatives in our government is to criticize the activities of the majority members and thus to keep them alert and responsive.

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THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE

THE DEPARTMENT OF STATE, which today spends more than \$250,000,000 a year and employs 23,000 people all over the face of the globe, had very humble beginnings. When Thomas Jefferson took office as the first Secretary of State¹ and undertook to supervise the activities of the Department, its domestic staff consisted of five men who had been recruited by John Jay, and the department budget (for 1789) amounted to the modest figure of \$5950.²

➤ *Creation of the Department.* One of the first acts of the new Congress under the Constitution created the first executive department, the Department of Foreign Affairs. Whereas under the Confederation foreign affairs had been controlled by the legislative branch, this law, approved by President Washington on July 27, 1789, gave command to the President and provided that the new Secretary

... shall perform and execute such duties as shall from time to time be enjoined on or entrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions or instructions to or with public ministers or consuls, from the United States, or to negotiations with public ministers from foreign states or

¹ Jefferson was actually commissioned on Sept. 26, 1789, but since he was in France at that time he did not take over the duties of the office until March 22, 1790. In the meantime John Jay, who had been the last "Secretary for Foreign Affairs" under the Confederation Congress, continued to function. It is worthy of note that in the interim Jay was also Chief Justice of the United States Supreme Court, having been appointed to that position on the same day that Jefferson was named to head the State Department. Jay's position was thus similar to that of John Marshall a decade later, when the latter for a short time served both as Chief Justice and as Secretary of State under President John Adams.

² Some details of this early period are available in *The Department of State of the United States*, Department of State Publication No. 461 (GPO, 1933), pp. 3-9. (Department of State Publications will henceforth be referred to as Dept. St. Publ.) The standard older work on the Department is Gaillard Hunt's *The Department of State of the United States* (Yale University Press, 1914), in which Chapters 1-4 deal with historical background. Much more recent are Graham H. Stuart, *The Department of State* (Macmillan, 1949), and James L. McCamy, *The Administration of American Foreign Affairs* (Knopf, 1950). See also Tracy H. Lay, *The Foreign Service of the United States* (Prentice-Hall, 1925), and Elmer Plischke, *The Conduct of American Diplomacy* (Van Nostrand, 1950).

princes, . . . or to such other matters respecting foreign affairs as the President . . . shall assign to the said department; and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President . . . shall . . . order or instruct.

Further evidence of the direct presidential control of the Secretary is the fact that the latter is the only cabinet officer who does not present an annual report to Congress; reports on foreign affairs are included in the President's regular or special messages.³

Only seven weeks after creating the Department of Foreign Affairs, in September 1789, Congress changed its name to the present one and added several domestic functions. Although the major responsibility of the Secretary is to conduct foreign relations under the direction of the President, he is also custodian of the Great Seal and the officer to whom, according to law, the resignation of a President or Vice President should be addressed.⁴ The Secretary long performed the following domestic duties, which in 1950 were transferred to the Archives and Records Service of the newly formed General Services Administration: preservation and publication of federal laws, certification and publication of constitutional amendments, and receipt and preservation of certificates of presidential electors and of electoral votes.⁵

➤ *Departmental Seniority.* Inasmuch as the position of Secretary of State was the first cabinet office to be created, from 1789 its incumbent has been regarded as the senior department head. Like other department heads he is appointed by the President with the consent of the Senate, and he holds office at the will of the President. Only once has the chief executive dismissed this subordinate outright,⁶ but he has several times acquiesced to the latter's desire to resign.

The Department of State's primacy was legally recognized in the Presidential Succession Act of 1947, which made its head next in line for succession to the presidency after the Vice President, speaker of the House, and president pro tem of the Senate. In both this act and its predecessor (1886) the Secretary of State took precedence over all other cabinet members. An informal indication of his primacy is his seat at the right of the President at cabinet

³ Secretary of State Richard Olney made a report to Congress in December 1896, intending it to be the Secretary's first annual report; but the precedent was not followed. Hunt, *op. cit.*, p. 321.

⁴ No President has ever resigned, but one Vice President has: in 1832 John C. Calhoun left the latter post to assume a seat in the Senate. *Ibid.*, p. 167.

⁵ In earlier days numerous functions other than those enumerated above were assigned to the Department. For example, it has at one time or another had partial or complete control of the mint, postal affairs, the granting of patents, registry of copyrights, printing of census returns, supervision of territorial affairs, recording of patents for sale of public lands, granting of letters of marque and reprisal, deposit (but not negotiation) of Indian treaties, and correspondence with federal marshals, judges, and attorneys. See Stuart, *op. cit.*, pp. 21-22; Hunt, *op. cit.*, pp. 117-186.

⁶ The reference is to President John Adams' summary dismissal of Timothy Pickering, in 1800. See Stuart, *op. cit.*, p. 33.

meetings and his similar honored position at official functions. Oddly enough, even through our isolationist days, when the average American regarded foreign affairs with disdain, the Secretary of State usually maintained his prestige, and several Secretaries—Jefferson, John Quincy Adams, Madison, and Monroe—have succeeded to the presidency.

► *Internal Organization.* At the top of the Department's organizational hierarchy is, of course, the Secretary of State; beneath him are an Under Secretary, two Deputy Under Secretaries, and eight Assistant Secretaries. Each of the Assistant Secretaries, subject to the Secretary's supervision, is in immediate charge of some one branch of the Department's responsibilities. Thus one handles the relations of the Department with Congress; another is assigned to the coordination of policy toward the various UN organs; one each concerns himself with inter-American, European, Far Eastern, and Near Eastern and African affairs; one deals with general economic affairs and one with public affairs. There is also a Director of the Bureau of German Affairs, who has the administrative rank of Assistant Secretary. Within each of the bureaus of regional affairs there are sections that specialize in American relations with individual countries or in particular aspects of those relations. It is to these "desks" that dispatches come from the diplomats and consuls; and from them, subject to the supervision of the higher officials, go orders to the field offices.

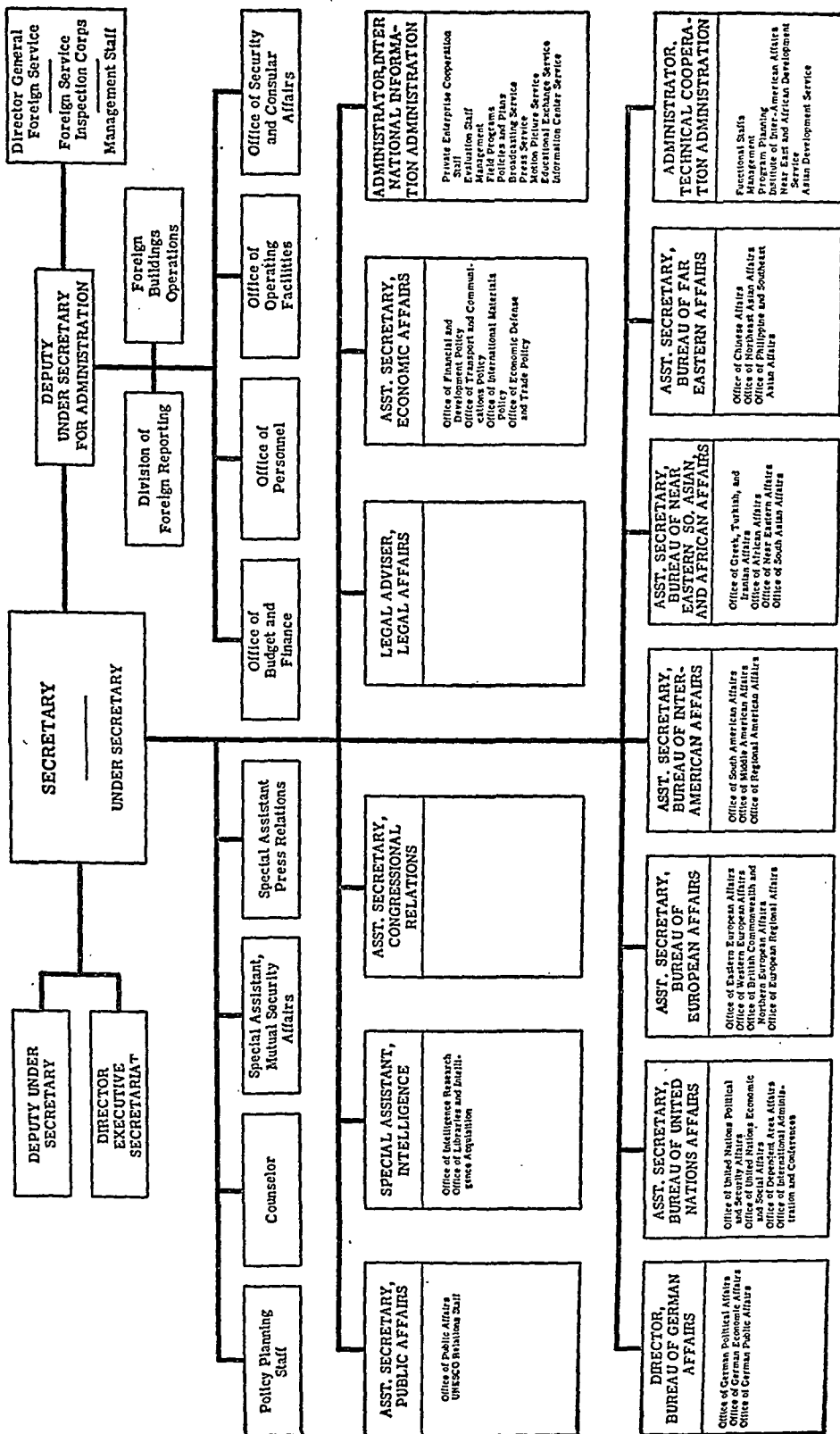
Other branches of the Department also have specialized concerns. There are, for example, a Legal Adviser who heads the Treaty Division; a General Manager of International Information and Educational Exchange programs; a Special Assistant for Intelligence; a Policy Planning Staff, whose task it is to see the forest beyond the trees and attempt to lay out long-range policies advantageous to the United States; and a Director of International Security Affairs, whose duties revolve around liaison with the Mutual Security Agency. Late in 1950 a Technical Cooperation Administration was set up in the Department, to administer the "Point Four" program, which we shall consider in connection with the UN's specialized agencies.⁷

THE FOREIGN SERVICE

► *Early Attitude Toward Diplomats.* For the first century of its existence the government displayed a supercilious and suspicious attitude toward diplomacy, regarding it as nothing more than an un-American adjunct of the royal fopperies against which revolt had taken place in 1776 and which could not be tolerated by the frontier-minded democracy of the nineteenth century.

⁷ For detailed and current information on the Department's organization the reader is referred to the most recent issue of the *United States Government Organization Manual* (GPO, issued annually) and to the Department of State's weekly *Bulletin*, in which organizational changes are noted as they occur. Two authoritative pamphlets on the subject are *The Department of State Today*, Dept. St. Publ. No. 3969 (GPO, 1951); and *The Brookings Institution, Governmental Mechanism for the Conduct of United States Foreign Relations* (Brookings Institution, 1949), especially pp. 9-16.

DEPARTMENT OF STATE



DIPLOMATIC MISSIONS, CONSULAR OFFICES, AND DELEGATIONS TO INTERNATIONAL CONFERENCES

Thus until 1893, although the United States did send diplomatic representatives to foreign courts, none held the rank of ambassador; traditionally an ambassador was a personal representative of a monarch, and for us to have sent one would have been regarded as toadying to decadent institutions.⁸ Our government also refused to permit the wearing of any distinctive dress by our diplomats, on the democratic theory that white tie and tails were sufficiently formal for American society and that what was good enough for us was good enough for anyone else. This was understandable, but it caused endless embarrassment to American ministers and ambassadors at foreign social functions, where their severely plain dress stood out as glaringly among the uniforms, ribbons, and medals of other guests as would a Mennonite's, and where they were on occasion mistaken for waiters and butlers who wore the same garb. Furthermore, prior to 1893 the fact that an American representative could have no rank higher than that of minister meant that automatically under universal diplomatic practice he must yield precedence to those who bore the title of ambassador, no matter how insignificant their countries. This was often humiliating to the Americans, and it caused disdainful amusement among the Europeans, whose preconceptions were thus reinforced that all Americans were buckskin-clad backwoodsmen who simply could not learn how to behave when transplanted into cultured society.⁹

➤ *Governmental Parsimony.* A penny-pinching congressional attitude toward the Department of State and the Foreign Service is nothing new. As far back as the 1780's, when Robert Livingston received a salary of \$4000 as Secretary, he complained that his necessary official expenses came to another \$3000, and at least partly for this reason he resigned.¹⁰

During most of our history it has been a source of embarrassment to our foreign representatives that the government not only did not pay sufficient salaries but did not even provide office and living space or sufficient appropriations to rent them. A minister newly appointed to foreign duties, besides being confronted with the customary complexities of starting work at a new post, had the problem of finding living quarters and often also suitable office space—and paying for them out of his own pocket. This was one reason why United States embassies, legations, and consulates were often located in disreputable, out-of-the-way buildings, which humiliated their occupants and reflected no credit upon the supposedly wealthy nation which they represented. An American missionary who had returned from his post in the Orient reported, years ago: "When travelling in the Far East I pick out, on arriving at a port, the poorest

⁸ A law of 1893 (27 Stat. 497) authorized diplomats of ambassadorial rank. The first ones were sent in 1894 to Britain, France, Russia, and Germany. Lay, *op. cit.*, p. 19.

⁹ The importance at European courts of the niceties of diplomatic precedence and some amusing tales of overinsistence on it are recorded by Sir Ernest Satow in his *Guide to Diplomatic Practice* (Longmans, Green, London, 3rd ed., 1932), Vol. I, Chapters 4 and 5.

¹⁰ Hunt, *op. cit.*, p. 107.

and most disreputable looking business building to be seen, and invariably find it to be the American consulate—a marked contrast to the German consulate, which is just as invariably the best building in the port.”¹¹

Acts of 1911 and 1921 made inadequate beginnings in the direction of providing proper buildings, but the first real boost came in 1926, with the passage of the Porter Foreign Service Building Act. It initiated a large-scale program, which is still not completed, for acquiring at public expense suitable residential and office accommodations for American officials abroad.

➤ *Politics in Diplomacy.* In the first decades of the republic our few foreign representatives appear to have been recruited on a merit basis. President Jefferson once exclaimed: “I return with joy to that state of things when the only questions concerning a candidate shall be: Is he honest? Is he capable? Is he faithful to the constitution?”¹² From about 1825 to 1925, however, the spoils system was in more or less full swing. It was not until 1883 that the Pendleton Act provided a true basis for the merit system in the federal government at home, and it is not surprising that Foreign Service recruits for years afterward should have been chosen on the basis of their knowing the right people, having gone to the proper schools, and having performed acceptable service for the successful political party.¹³ An American diplomat tells the story of a chief of mission who once made his personnel needs known to the Department in the following message: “I have urgent need of the services of a polo-playing diplomatic secretary.”¹⁴

At least as early as 1856, acts of Congress had made provisions of varying effectiveness for introducing some sort of merit system into the recruitment of consuls, and numerous executive orders had been issued looking toward the same end.¹⁵ Some steps were taken toward applying similar principles to the diplomatic service, which until 1924 was almost totally divorced from the consular service. In every case, however, the inherent weaknesses of the act or the expiration of the executive order prevented the creation of a true merit service, and the spoils system remained the rule, despite periodic outbursts of reform zeal.

➤ *Lack of Experienced Personnel.* Fortunately there have been several fairly lengthy periods of our international history when the fact that our foreign service was run largely by millionaire playboys could not do very much

¹¹ Quoted by Tracy H. Lay, *The Foreign Service of the United States*. (Copyright 1925 by Prentice-Hall, Inc., New York), p. 367. Reprinted by permission of the publisher.

¹² Quoted by J. Rives Childs, *American Foreign Service* (Holt, 1948), pp. 4-5.

¹³ As far as proper schools are concerned, there are those who in more modern times have given the following directions to those who would enter the State Department's service: “Go to Harvard and turn left.”

¹⁴ Childs, *op. cit.*, p. 11.

¹⁵ These acts and orders are discussed at some length in Hunt, *op. cit.*, pp. 331-349; those of 1906, 1909, and 1915 are reprinted in Lay, *op. cit.*, pp. 389-406. A general collection of value is that by A. H. Feller and M. O. Hudson, *Diplomatic and Consular Laws and Regulations* (Carnegie Endowment for International Peace, 1933), 2 vols.

damage. On the other hand, when there is danger of war, one wishes experienced, level-headed men to do the negotiating and the reporting from foreign capitals. In August 1914, on the eve of World War I, according to figures compiled by the National Civil Service Reform League the total diplomatic experience of various nations' ambassadors at important capitals varied widely. At Berlin, for example, the British ambassador was a veteran of forty-five years of diplomatic experience, the French of seventeen years, and the American of one year. At Brussels, the British ambassador had behind him twenty-nine years of diplomacy, the French had twenty-five years, and the American had eight months. At London the French ambassador had served for thirty-two years, the American for one and one third. At Petrograd the British ambassador could count thirty-eight years of diplomatic experience and the French thirty-one, whereas the American was a veteran of one month's diplomacy. Similar figures applied to Rome, Tokyo, Vienna, Paris, and Constantinople.¹⁶ Americans have a saying to the effect that one should not send a boy to do a man's work, but evidently they thought it had no pertinence to diplomacy.

➤ *Rogers Act, 1924.* For practical purposes it can be said that there was no true merit system in the foreign service until July 1, 1924, when the Rogers Act became effective. This act laid down the basic rule that thenceforth no one would be recruited into the diplomatic and consular services unless he had passed competitive examinations. The practice of hiring on the basis of politics and "the old school tie" was discarded and the way opened for the present system, whereby applicants must take a difficult three-day written examination, survivors of which are then given an oral test as well.¹⁷

Other improvements were wrought by the Rogers Act: (1) It created one unified "Foreign Service of the United States," within which there were to be two branches—consular and diplomatic; and it was to be possible for a man to be transferred from one to the other by departmental order to achieve the most effective utilization of his talents. Prior to 1924 if a round peg found his branch a square hole and wanted to transfer to the other, he had to resign his position and then get presidential appointment and senatorial confirmation. (2) Before 1924 the salary differential between the consular and diplomatic services was great. Under an act of 1915, for example, a secretary of embassy received a maximum of \$3000 a year for duties which placed him administratively just below the head of mission, whereas at that time an analogously situated consul might earn \$8000. In the new Foreign Service both branches

¹⁶ Quoted by Lay, *op. cit.*, p. 235. Similar figures are given by H. K. Norton, *Foreign Office Organization* (American Academy of Political and Social Science, 1929).

¹⁷ The text of the Rogers Act is found in Lay, *op. cit.*, pp. 407-416. Copies of recent examinations, plus information on the regulations governing the Foreign Service, may most conveniently be obtained in the latest issue of *The American Foreign Service*, issued periodically by the Department of State.

were to be paid at the same rates. (3) The Act authorized the payment of living and entertainment ("representation") allowances and provided for a retirement-annuity system, thus making the service more attractive financially than it had ever been before.¹⁸

► *Foreign Service Act, 1946.* Other significant legislation has gone on the books since 1924, but none is as great a milestone as that which President Truman signed on August 13, 1946.¹⁹ One important feature of this law was the increase in ambassadorial salaries, which were set at \$15,000 to \$25,000 annually; to the salaries were added "representation allowances" of \$5000 to \$25,000, plus certain other allowances that had already been permitted by law. Thus the income of our prime ambassador, the ambassador to the Court of St. James's (London), was raised to about \$60,000 a year, more than half of it (the expense allowance) being free of income tax. He will not need to dig nearly as deep into his private income as he had had to do for many years past.²⁰ Furthermore, the pay scale for Foreign Service officers was raised to establish a minimum (effective in 1949) of \$3630; the maximum, to be reached after at least twenty years' service, with promotions, was set at \$13,500. If one considers these scales excessive, he might well ponder the testimony written to the chairman of the House Ways and Means Committee by James Monroe when he was Secretary of State, under Madison:

A minister can be useful only by filling his place with credit in the diplomatic corps and in the corresponding circle of society in the country in which he resides which is the best in every country. By taking the proper ground, if he possesses the necessary qualifications and is furnished with adequate means he will become acquainted with all that passes and from the highest and most authentic sources. . . . Deprive him of the necessary means to sustain this ground, separate him from the circle to which he belongs and he is reduced to a cipher.²¹

A Japanese schoolboy some years ago had trouble with the king's English but was nevertheless on the right track when he remarked, "Poverty are no disgrace for Methodist Minister, but for Foreign Minister it are a crime."²²

► *Promotions and In-Service Training.* Prior to 1946 the Foreign Service

¹⁸ The retirement system is discussed in detail in Lay, *op. cit.*, Chapter 11.

¹⁹ Public Law 724, 79th Congress, 2nd Session; 22 U.S.C. 801. For comment, see *Foreign Policy Bulletin*, Aug. 23, 1946; also William P. Maddox, "The Foreign Service in Transition," *Foreign Affairs*, Jan. 1947, pp. 303-313.

²⁰ Prior to 1946 the top diplomatic salary had been \$17,500, with far lower living allowances than are now provided. This sum had been fixed in 1856 and had not been changed during the intervening ninety years. Former ambassadors have indicated that their expenditures at St. James's out of their own pockets have run to \$200,000 a year or more. John W. Davis, holder of the post just after World War I, testified that by operating on a very unostentatious basis he could get by on \$50,000 to \$60,000 a year. See Lay, *op. cit.*, pp. 231-232.

²¹ Quoted by Stuart, *op. cit.*, p. 51.

²² Quoted by G. H. Stuart, *American Diplomatic and Consular Practice* (Appleton-Century, 1936), p. 470.

operated on a closed promotional system, which had the morale value of providing incentive for those in the lower ranks, but which also deprived the Service of well-qualified older men who could not afford to enter at the bottom and accept the starting salary, which for long was only \$2500. The 1946 act established a Foreign Service Reserve, into which might be recruited men of proved specialized abilities, who could be given appointments of up to four years' duration, at rank and pay appropriate to their qualifications. The way was also left open for reservists to transfer into the permanent service. In addition, the Act adopted the Navy's idea of "promotion up or selection out"—that is, those Foreign Service officers who were not promoted by Selection Boards (consisting of three men from the Department and four Foreign Service officers) within specified lengths of time were to be retired.²³

Furthermore, the Act provides for a "re-Americanization program": it requires that the Foreign Service officer take his vacation in the United States after two years of service abroad, that at least three of his first fifteen years of service be spent on domestic assignments, and that a Foreign Service Institute be created, to which officers would be detailed after a tour of duty abroad, in order to receive instruction either in the Department itself or in approved educational institutions. The corresponding provision in the Rogers Act had merely authorized the Secretary of State to bring men home for leave after three years; in view of the scanty funds available, the power was not much used.

DIPLOMATIC AND CONSULAR RANKS AND DUTIES

► *Classes of Diplomatic Officers.* Our determined attempt to ignore the "frivolities" of the European diplomatic caste system has not succeeded. The State Department, governed by universal diplomatic practice, adopted the rules of classification and precedence of diplomatic personnel laid down by the Conferences of Vienna (1815) and Aix-la-Chapelle (1818). Four major grades were therein distinguished: ambassador, minister plenipotentiary, minister resident, and chargé d'affaires. Although the duties of all four are similar, their rank and status differ materially.

The ambassador has traditionally been regarded as the personal representative of one sovereign to another, and he has therefore been accorded primacy; second to him, also accredited to sovereigns, but to sovereigns of those countries with which our relations are of secondary importance, is the "envoy extraordinary and minister plenipotentiary," usually known simply as minister;

²³ In about 1950, the Foreign Service began encountering unprecedented difficulty in recruiting officers; the number of applicants taking the preliminary entrance examinations dropped from 1288 in 1947 to 758 in 1951. A survey indicated that the probable reasons for this decline included the intemperate allegations of disloyalty exemplified by Senator Joseph McCarthy's attacks on Department personnel, long delays between examination and appointment, military-draft regulations, and the disparity between salaries paid to Foreign Service officers and those prevalent in some other branches of the government and in private employ. See *New York Times*, Nov. 4, 1951, p. 36.

third in rank is the minister resident, a class not currently used by the United States. The chargé d'affaires is not sent from sovereign to sovereign, but according to our practice is commissioned by the President and accredited by the Secretary of State to the minister of foreign affairs of the receiving government. The chargé d'affaires is not necessarily the same as the chargé d'affaires ad interim, who is designated by the Secretary of State to preside over one of our embassies or legations during the absence of the regularly accredited chief of mission; the permanent rank of the chargé d'affaires ad interim is normally that of counselor or secretary of embassy or legation, and he reverts to that rank when his temporary functions are terminated by the return of the ambassador or minister.

➤ *Career and Noncareer Officers.* The aforementioned ranks are those of political appointees who may or may not have had previous diplomatic experience. Subordinate to these appointees are the career Foreign Service officers, the men (and a few women) who have passed the required written and oral examinations and have been appointed with tenure similar to that enjoyed by the employee of the classified civil service at home. It should be noted, however, that this recruitment system is administered entirely by the Department of State and not by the Civil Service Commission.

The top career diplomatic rank to which the Foreign Service officer may aspire is that of counselor²⁴ of embassy or legation; the holder of this post is the right-hand career adviser of the politically appointed chief of mission, and is in effect a "permanent under secretary" in the embassy or legation.²⁵ Beneath him are the secretaries (who are not to be confused with stenographers) of first, second, and third classes, clerks, assistants, attachés, translators, and so on. Although the ambassadorial and ministerial posts may be filled on a nonmerit basis, there has been an increasing tendency of recent years for the President to raise career Foreign Service officers of long experience to the top positions; at present between one half and two thirds of the chiefs of mission have been career officers. They formally lose their career status when they accept such political appointment, but many are reinstated at the conclusion of their tour of duty. Thus the spoils system is by no means as rampant as it might legally be. Since ambassadors and ministers have needed extensive private means to supplement their relatively meager government pay, at least until the passage of the Foreign Service Act of 1946, it is fortunate that in numerous cases demonstrated diplomatic ability has been coupled with independent financial status.

Although it is customary for a mission chief to offer his resignation at the

²⁴ Note that "counselor" is the name of a diplomatic rank and is not to be confused with a "consular" officer.

²⁵ The difference between an embassy and a legation is one of rank rather than of function; an ambassador (who heads an embassy) ranks higher than, but performs the same function as, a minister (who heads a legation).

time of a change of domestic administration, this practice is followed *pro forma* and the tender is often rejected. Sometimes it is rejected even when there has been a change of majority party. Thus Joseph C. Grew, a career officer appointed ambassador to Japan by President Hoover, in 1932, tendered his resignation to President Roosevelt when the latter entered the White House, but Roosevelt continued him in office.²⁶

➤ *Diplomatic Attachés.* In the literal sense an attaché is simply one who is attached to a diplomatic mission, but in practice the title usually is qualified by an adjective that indicates a specialized type of work performed by the holder. Thus for long there have been military and naval (and, more recently, air) attachés, who are officers detailed by the armed forces to a tour of semidiplomatic duty. It is their responsibility to report all information obtainable concerning military dispositions, plans, weapons developments, and similar matters.

Until fairly recently various cabinet departments had their own "foreign services," which often worked at cross-purposes with and duplicated the functions of the State Department's foreign branch. In 1939, State absorbed most of the services formerly performed by Commerce, Treasury, and Agriculture and undertook the responsibility for the foreign-intelligence operations of the other cabinet agencies. To this end various new types of attachés were created; thus one now hears often of commercial attachés or agricultural attachés, whose reports are used mainly by Commerce or Agriculture rather than by State. After World War II, however, a contrary trend set in, and the number of functionaries of other government agencies in foreign countries climbed; it is too early to determine whether this situation will be allowed to continue permanently.²⁷

Other varieties of attaché have recently been spawned. Thus there are now, in at least some embassies, press, petroleum, cultural, and other attachés. In 1942 for the first time a labor attaché was assigned to the London embassy to keep the Department informed on labor developments that might not be accurately covered by other embassy staff members. In 1945 the telecommunications attaché was born, evidence of the increased importance of radio, telegraph, and telephone.

➤ *Exchange of Diplomatic Officers.* It is the general practice to send ambassadors to those states with which one's relations are of especial significance. Thus the United States sends ambassadors not only to Great Powers such as England but also to Cuba and Mexico. It is an almost ironclad rule that ambassador is exchanged for ambassador and minister for minister. Prior

²⁶ See J. C. Grew, *Ten Years in Japan* (Simon and Schuster, 1944), p. 83.

²⁷ "As of Sept. 30, 1950, some 43 Government departments, agencies or units were engaged in activities overseas, employing a total civilian personnel, comprising both Americans and nationals of the various countries, of 74,879." The Brookings Institution, *The Administration of Foreign Affairs and Overseas Operations* (GPO, 1951), p. 244. Two thirds of the 74,879 were civilian employees of the military departments.

to any state's sending a chief of mission of any grade to another state, it observes the formality of the *agr  ation*, the process of informing the receiving state of the intention to send a certain person and at the same time inquiring whether that individual is acceptable (*persona grata*). The receiving state is at liberty to reply, without assignment of reasons, that the person nominated is not favorably regarded (*persona non grata*), and to request that another be sent in his place.

It is also by joint unpublicized agreement that one government indicates to another its desire to raise its legation in the other nation to embassy status, a desire that will normally be consummated only by reciprocal action.²⁸ A minor nation is likely to be flattered by such a proposal from a Great Power; it was with this and his Good Neighbor policy in mind that President Roosevelt raised all United States legations in Latin American countries to embassies, regardless of the intrinsic importance of our trade or political relations with these countries. In part because of this action the United States now maintains many more embassies (fifty-nine) than it does legations (fourteen).²⁹ It has also been common practice for nations, including the United States, to accredit one representative to more than one country; thus in 1951 the ambassador appointed to India was also named minister to Nepal, and prior to 1940 we sent one minister to the three Baltic states of Latvia, Estonia, and Lithuania.

Although diplomacy has traditionally been a man's game, it is no longer exclusively so. Mrs. Ruth Bryan Owen, daughter of William Jennings Bryan, was appointed minister to Denmark by President Roosevelt in 1933 and thus became our first woman minister. Our first woman ambassador was Mrs. Eugenie Andersen, also sent to Denmark, who was appointed by President Truman in 1949.³⁰ The first woman Foreign Service officer was appointed in 1922.

➤ *Grades of Consular Officers.* At the top of the pyramid of consular hierarchy is the consul-general, so called either because he is stationed in a particularly large and important city or because of his function as a general supervisor of all consular establishments in the country. Beneath him come, in order, the consuls, vice consuls, and consular agents, all of whom perform essentially similar functions but differ in rank because of age, experience, and

²⁸ Details of the formalities involved in appointing, receiving, and dismissing diplomats will be found in G. H. Stuart, *American Diplomatic and Consular Practice* (Appleton-Century, 1936), Chapters 9, 10, and 16. A participant's description of some of these formalities will be found in C. J. H. Hayes, *Wartime Mission in Spain* (Macmillan, 1945), pp. 27-29, 283-289.

²⁹ See the *Foreign Service List*, Jan. 1, 1952, Dept. St. Publ. No. 4427 (GPO, 1952).

³⁰ Mrs. Andersen appears to have demonstrated that a woman's touch may add useful innovations to traditional diplomatic practices. Thus she had the embassy renovated and then invited to the housewarming not the usual socially elite coterie but rather the workmen (and their wives) who had done the painting and carpentry by which the building was refurbished. An evening of judiciously chosen American movies and gifts of still-rationed coffee, plus the democratic concept underlying the *soir  e*, seem to have raised Danish-American friendship to a new high.

demonstrated merit. On occasion, semidiplomatic functions are assigned to a consul-general.³¹

Officials of the top three grades (consul-general, consul, and vice consul) must be American citizens. Consular agents, on the other hand, are sometimes foreigners upon whom the United States relies, in some of the smaller or more remote areas, for part-time performance of consular duties; for their services they are permitted to collect stipulated fees. Because of their part-time status the prohibition against consular officials' engaging in private business is not applied to them. The same type of practice is often followed by other countries; thus in the United States one reads about John Doe, an American citizen, who is the "honorary consul" of a certain foreign state. His title indicates that although his major occupation is that of a local private businessman he is also available for whatever consular services the foreign government requires.

➤ *Diplomatic Duties.* Traditionally a diplomat performed duties of a political nature, whereas a consul was concerned with affairs of trade and commerce. Although there is still a rather tenuous distinction to be drawn along these lines, it is being broken down increasingly by the interplay of politics and economics in international affairs.

At the risk of inaccuracy and misimpression, and with the warning that functions often overlap, we may list some of the types of functions that the diplomatic official is called upon to perform. It has been said that his duties are three: to negotiate, to observe, and to protect. Some try to summarize the idea by saying that he must "cultivate friendly relations" between the United States and the country to which he is accredited. These, however, are largely meaningless words unless they are defined. Within the latter rubric would come establishing friendly personal relations with the personnel of the Foreign Office, entertaining and being entertained by citizens of the country to which the diplomat is sent,³² writing articles and making speeches to all sorts of societies on a thousand and one topics bearing more or less directly on some aspect of life in the United States, and answering the questions of and otherwise providing information to the foreign government, press, and individuals.³³

³¹ In Morocco we have a "diplomatic agent and consul-general with the personal rank of minister."

³² Let the businessman who has never done business over the luncheon table or the golf course throw the first stone at the diplomats for their social activities. "I hear the most important news I get at so-called social functions," said Walter H. Page, ambassador to Great Britain during World War I; see *The Life and Letters of W. H. Page* (Doubleday, Page, 1922), Vol. I, p. 159. On the importance of social contacts, see Hayes, *op. cit.*, pp. 33-43. Lest one assume that the refreshment is always pink tea or filet mignon, he might heed the reminder of one newspaperman that the diet may be barnacles, fried grasshoppers, or stewed cat. One young consul, after a round of heavy foreign food, reported to his superior officer, "I regret that I have but one stomach to give for my country." See "Alias Cookie Pushers," by Hester O'Neill, in *The Christian Science Monitor*, Feb. 20, 1950, p. 7; also *The Christian Science Monitor*, Feb. 24, 1950.

³³ See Walter Hines Page's famous lament over the extent of the demands on his time and ingenuity during his ambassadorship; Page, *op. cit.*, Vol. I, pp. 159-161. A good idea

Additionally, the diplomat is expected to protect Americans and their interests in foreign countries; this function may involve objecting formally to such varied matters as alleged foreign discrimination against given articles of American export, unfair applications of tariff laws, and interpretations of treaties in a fashion disadvantageous to Americans. Such protests will take the form of notes and personal visits to the Foreign Office. Although in these days of radio and transoceanic cables the diplomat will be guided in important matters by detailed instructions from the Department of State, the personal touch which he should be able to supply, and the personal relations he should have sedulously cultivated in the Foreign Office, may mean the difference between acceptance and rejection of our demands. He is far more than the "clerk at the end of a wire," which some cynic once called him. Just as the manufacturer relies on salesmen as well as on advertising to sell his goods, so does the government utilize diplomats as well as notes.³⁴

One aspect of his protection of American long-range interests is the diplomat's obligation to keep the Department posted, by a running stream of dispatches and reports, on a wide variety of matters of interest to one agency or another: What are the trends of public opinion concerning the United States? What evidences are there of a developing shift in the policy of the foreign government? Are some of the cabinet officers hostile to or prejudiced in favor of the United States? Will bills pending in the parliament be detrimental to American trade? Is there anything to the rumors of impending currency devaluation?

Manifestly, not all the aforementioned duties will be performed by the chief of mission himself, but he will be responsible for seeing that some member of his staff does perform them. A list of other duties will help one to visualize the breadth of diplomatic activity. The diplomat may be called upon to issue or extend passports; to witness weddings of Americans; to aid destitute Americans; to counsel American students abroad; to arrange for the presentation of American woman at court; to assist in the extradition of criminals; to congratulate official families on the occasion of anniversaries; sometimes to partici-

of the range of ambassadorial functions is given in William E. and Martha Dodd, *Ambassador Dodd's Diary* (Harcourt, Brace, 1941), and in Grew, *op. cit.*

³⁴ Said former Secretary of State Charles E. Hughes: "Skillful diplomacy is preventive medicine. . . the art of persuasion needs the personal touch." Lay, *op. cit.*, pp. viii-ix. Sometimes the directions from the State Department are so explicit as to leave no room for discretion; in this case the diplomat's role may approximate that of a highly paid errand boy who takes notes from his embassy's code room, transmits them to the Foreign Office, receives a reply, returns with it to the embassy and turns it over to the code room for transmission to the Department. Similar was the position in which Ambassador Charles G. Dawes believed himself to be in 1932, when he was sent to Paris from his post in London for limited cooperation with the League of Nations Council, then attempting to end the dispute over the Japanese invasion of Manchuria. It is reported that, tiring of his errand-boy status, he uttered the deathless words: "Diplomacy is easy on the brain but hell on the feet." The story further runs that when this remark was repeated within the hearing of a career diplomat, he was heard to philosophize: "It all depends on which end you use most."

pate in the negotiation of treaties and otherwise in the work of international conferences. It is virtually impossible to compile a complete list of all possible duties.³⁵ Since these duties are so numerous and so important, the old American custom of making political plums out of diplomatic appointments is obviously dangerous. The story is told that an official of one country once complained to the ambassador of another that the latter's country had sent some ambassadors who were utter fools. The ambassador replied that there was nothing surprising about that, as there were many fools in his country. The honors were left with the first official, who rejoined: "We also have fools in our country, but we take care not to export them."³⁶

Now that we have listed some things that a diplomat ought to do, it may be well to mention an absolute prohibition on him. Laws and customs alike demand that he make no public statements concerning the politics or politicians of the country to which he is accredited. Quite naturally the foreign public would be aroused if the American ambassador were to suggest how they should vote in a coming election, or if he were to make critical comments on their cabinet or other political institutions. Surely courtesy and good sense would dictate silence in such matters, even if it were not required by regulations.³⁷

➤ *Consular Duties.* Difficult as it is to catalogue the functions of a diplomat, it is possibly even more so to do the same for a consul.³⁸ The Consular Regulations state that in general the consul has four major functions: to create a situation favorable to the sale of American goods, to report frequently on commercial and financial subjects, to reply to commercial inquiries addressed to him by private businessmen, and to advise Americans doing or contemplating business in a foreign state.

Actually, this statement makes the duties sound much simpler than they are. The following list will indicate the scope of consular affairs. The consul must keep informed on local tariff, port, and other commercial laws, so that protest may be lodged in case of discriminatory treatment; settle disputes between American and foreign firms; certify invoices on certain shipments to the United States; accept deposit of various papers of American merchant vessels while

they are in the foreign port; certify that vessels sailing for the United States have complied with sanitation requirements; give aid to shipwrecked or otherwise stranded seamen; perform numerous functions involving the relations between master and crew on American ships abroad; assist Americans who get into trouble with the local police and advise them on foreign laws whether or not they are already in trouble; care for Americans who become mentally or physically incapacitated or who die abroad; assist in the settlement of estates in the latter case; perform all the notarial acts that notaries public are authorized to perform in the United States; supervise the administration within his district of laws pertaining to veterans' benefits; witness and certificate the marriage of Americans abroad; register the birth of children to American citizens; grant immigration visas under the national-origins immigration law, as well as issue other types of visas; and in general render to Americans abroad whatever assistance seems within the bounds of reason and report to the government whatever information he can find that may be of value in promoting the interests of Americans.³⁹

DIPLOMATIC AND CONSULAR PRIVILEGES

► *Diplomatic Extraterritoriality.* Under universally accepted international law the diplomat is entitled to sweeping immunities from the law and jurisdiction of the state to which he is accredited.⁴⁰ This has been true since the Golden Age of Athens. The diplomat, his dependent relatives living with him, his staff, his assistants, and usually his regular employees down to and including cooks and chauffeurs enjoy immunities from criminal jurisdiction, with the one major exception in the United States (as in many other countries) that we will not allow this privilege to be extended to embassy employees who are American citizens. Furthermore, we will not receive our own citizens as envoys. The residence, offices, correspondence, and archives of the embassy or legation are privileged from invasion by local police officers, under the old legal fiction of extraterritoriality, which holds that the embassy grounds are technically in

³⁹ Perusal of the *Foreign Commerce Weekly* is recommended in this connection. This magazine, published by the Office of International Trade of the U. S. Department of Commerce, is dedicated to the promotion of the American import and export trade. Thus one department, "New World Trade Leads," lists foreign companies that wish to buy American exports of various types; another section lists foreign manufacturers who are looking for American outlets; another lists foreign firms who are seeking American sales agents; another gives names and addresses of foreign businessmen who will soon visit the United States on purchasing or sales missions; another large section surveys economic conditions in many foreign countries and summarizes new tariff regulations and other trade controls. All this information is brought together from many sources, important among which are the Department of State and the Foreign Service.

⁴⁰ On the privileges and immunities of diplomats and consuls, see the following: Charles G. Fenwick, *International Law* (Appleton-Century, 2nd ed., 1934), Chapter 20; Amos S. Hershey, *Essentials of International Public Law and Organization* (Macmillan, rev. ed., 1927), Chapters 18-19; Charles C. Hyde, *International Law* (Little, Brown, 2nd ed., 1945), Vol. I, pars. 444-450; Stuart, *American Diplomatic and Consular Practice*, Chapters 14-15.

the territory of the country maintaining the mission and are therefore outside the jurisdiction of the local police. United States law provides heavy penalties (up to three years' imprisonment and fine at the discretion of the court) for violence to or arrest or imprisonment of a foreign diplomat.⁴¹

There are certain limitations on the aforementioned privileges. In the first place, the immunity of the diplomat may be waived by his home government, and the chief of mission in turn may waive it for one of his subordinates. Secondly, although the criminal immunity is complete, a government may understandably take umbrage at malicious or continued infractions of its laws, and in that case it may ask the diplomat's government to recall him. In the unlikely case of refusal or delay in compliance, the host government may expel him.⁴² Thirdly, although the embassy grounds are inviolable, this privilege is not to be abused, and it is regarded as the duty of the head of a mission, if a fugitive criminal should take asylum in this restricted area, to cause his seizure and deliverance to the local police.⁴³ Fourthly, real property of the diplomat, with the exception of his official residence, is subject to territorial jurisdiction—a matter of considerable importance in case he engages in a private profession or trade apart from his official duties. And, finally, although a diplomat may not be sued, if he himself brings suit in the courts of the United States he opens the possibility of cross-suits and appeals growing out of his initial undertaking. These are not regarded as suits against him, but as continuations of suits he himself has brought.

As a general rule, diplomats may not be subpoenaed as witnesses, although they may appear voluntarily.⁴⁴ They are exempt from payment of federal personal and income taxes and, as a matter of comity (i.e., international courtesy or friendliness), from real-property taxes as well. Also by comity the diplomat is normally not subjected to payment of customs duties on goods imported for his private use. A further exemption concerns the child born to a foreign diplomatic family in the United States: under American law the child will assume the nationality of his parents, even though under our normal application of the *jus soli* the child of nondiplomatic alien parents would be claimed as our citizen if he were born in our territory.

➤ *Consular Privileges and Immunities.* A sharp line of distinction must be drawn between diplomats and consuls in the matter of immunities and

⁴¹ 22 U.S. Code, 252-253.

⁴² See Fenwick, *op. cit.*, p. 380, for various instances in which governments have requested the recall of diplomatic officials.

⁴³ The United States does not recognize the right of asylum, but some other countries do. In Latin America, for example, deposed politicians or unsuccessful revolutionists have been known to take refuge for considerable periods of time in the embassies of foreign powers friendly to them. For one such case, see the chapter in this volume on the International Court of Justice.

⁴⁴ A good general reference work in this connection is Feller and Hudson, *op. cit.*

privileges, for as a general rule consuls do not enjoy extraterritoriality or exemption from civil and criminal jurisdiction.⁴⁵ It has long been an accepted principle of international law that the consulate's official records, papers, and documents (i.e., the consular archives) are inviolable, but that no similar immunity applies to the consul's personal effects. Beyond this, whatever privileges a consul may claim are conventional; that is, they are based on convention or treaty. Naturally, then, there may be, and indeed there is, a good deal of variation in practice from state to state. It is essentially standard practice to permit the display of a national coat of arms at the consulate, and the same practice usually applies to the national flag.

No flat rule can be stated regarding exemption from taxation, but the trend appears to be in the direction of broadening the privilege. Foreign consular employees pay no federal income tax on their official income, and those stationed in the District of Columbia pay no personal-property taxes. Because of the federal nature of the American government, however, some states of the union may levy their taxes on a consul stationed within their borders, whereas others may not. As a rule there is no exemption from the real-estate tax levy, which a consul is expected to bear just as any other property owner would. If a consul engages in any private business or profession, he is in that respect simply another alien doing business in the United States, and he will be taxed and otherwise regulated accordingly. Most countries grant exemption from customs duties on official or personal consular property; this is done quite liberally by the United States, although here as elsewhere it is to be noted that exemptions are extended only on conditions of reciprocity as guaranteed by treaty.

There are numerous other cases in which the demands of a government on national or alien residents may concern a consul. He is, for one thing, exempt from jury and military duties. The consul can expect no immunity from civil suits, but he will usually be excused from witness service. In criminal suits the consul has no immunity in the absence of rare treaty provisions to the contrary; if he is called as a witness, courtesy demands that reasonable deference be paid to his convenience and to the duties and dignity of his office. The police in many cities grant "courtesy cards" to consular officials, which, although they grant no real legal immunity, may ease the official over some spots which for the local citizens might be rough.

⁴⁵ The law concerning the nonimmunity of consuls was first laid down in 1737, in "Barbuit's Case"; see Stowell and Munro, *op. cit.*, Vol. I, pp. 19-22. The United States Supreme Court has held that a consul has no immunity from a civil suit: *In re Baiz*, 135 U.S. 403 (1890). See Manley O. Hudson, *Cases on International Law* (West, St. Paul, 1929), pp. 828-906, for several cases and documents bearing on diplomatic and consular functions and privileges. See also Irvin Stewart, *Consular Privileges and Immunities* (Columbia University Press, 1926).

REORGANIZATION OF THE DEPARTMENT OF STATE

➤ *Criticism of the Department.* Much of the criticism that one hears leveled at the Department of State is of an uninformed or irresponsible nature, and we need not concern ourselves here with that type. In this class may be put the allegations that diplomats are just professional party-goers and that they spend their time doing nothing more important than chatting with dowagers. Truth of a sort there is here, but truth that has been greatly exaggerated. Similar to these criticisms was the speech made by a member of Congress some years ago, which consisted of the supposedly profound observation: "What we need is a foreign policy that is less foreign and more policy." Since this is possibly the shortest congressional speech on record it deserves commendation for brevity, but one cannot rate it high in intellectual content.

Yet one cannot dismiss the critics of the Department with a wave of the hand signifying that they are all partisan or uninformed. The truest friend of State must concede that there are valid objections to its organization and operation. The passage of the Rogers Act was testimony to this fact, and that act did not remove all grounds for complaint. Although, as already noted, the average chief of American diplomatic mission nowadays is a careerist, there are still too many political hacks in the diplomatic service whose only qualifications for appointment are their vote-getting abilities. Some years ago a New Jersey newspaper editor, with no adequate background for his post, was sent to Paris on an official mission; he was at least sufficiently perceptive to comment to a friend: "There's one thing I've discovered over here. There's a . . . lot of difference between Paris and Trenton—and you notice it more in Paris than you do in Trenton."⁴⁶

➤ *The Hoover Commission.* "The Commission on Organization of the Executive Branch of the Government," better known as the Hoover Commission, reported in 1949 its findings and recommendations concerning the administrative branch of the federal government. It issued, among other reports, one on foreign affairs that details numerous suggestions for the improvement of our international-relations machinery, especially the Department of State.⁴⁷

➤ *Executed Recommendations.* The Hoover Commission made twenty-two major and innumerable minor recommendations for improvement of the

⁴⁶ Quoted in "The U.S. Foreign Service," *Fortune*, July 1946, pp. 81, 207. Many valid criticisms of the Service are made in this article. Another useful article is that by Hubert Herring, "The Department of State," *Harpers Magazine*, Feb. 1937, pp. 225-238.

⁴⁷ See the Commission's *Report on Foreign Affairs*; also its *Appendix H* which is the report of the task force on foreign affairs. The latter is considerably more detailed, and it formed the basis for the full Commission *Report*. Both were published by the Government Printing Office, in 1949. For comment, see D. S. Cheever and H. F. Haviland, "The Hoover Commission: . . . Foreign Affairs," *American Political Science Review*, Oct. 1949, pp. 966-978.

Department and the Foreign Service; starting with those which have already been put into operation, we shall summarize some of them here.

In the first place, it was suggested that there be created more assistant-secretaryships for administrative assistance to the Secretary, and this has been done. Secondly, the Commission deplored the fact that it had often, since World War II, been necessary to "tear the Department apart" by sending top officials as delegates to international conferences. Before the war it was a rare year in which the United States was represented at more than seventy-five conferences; nowadays the number is likely to be well over 200, and many of them will involve a protracted series of meetings.⁴⁸ On one occasion, only one Assistant Secretary was in Washington; all the other top officials were conferring somewhere or other around the world.

Some Secretaries of State have spent more time away from Washington than in it. Mr. Stettinius, who was Secretary in 1944-1945, spent more than half his tenure of office away from Washington. James Byrnes was Secretary for 562 days in 1945-1946, and for 350, or 62 percent, of those days he was out of town. This situation had at least one bright spot: it produced the quip that the Department fiddled while Byrnes roamed; but a *bon mot* is no substitute for having an administrator in the place which he is supposed to administer. Secretary Marshall, in 1947-1949, spent more than 200 of his 730 official days away from headquarters. In order to meet the need for representatives abroad without raiding the home office, President Truman in 1949 appointed Philip C. Jessup as ambassador-at-large. The holder of this position and his staff can represent the Secretary on many occasions, thus allowing the latter to remain at his primary job in the Department.

A third finding of the Commission was similar to the one just discussed: the Secretary was too heavily burdened with details of everyday administration to be able to devote adequate time and thought to long-range policy. This valid criticism has been met in two ways. First, numerous additional assistant-secretaryships have been created and their incumbents charged with determining such routine matters as whether John Doe is to be promoted from class six to class five in the Foreign Service, thus relieving the Secretary for more important matters. Secondly, a Policy Planning Director and staff have been established and commissioned to think through long-range policy for the nation, so that we will not in future, as we too often have done in past, stagger from crisis to crisis without having any very clear idea of what our methods or objectives should be.

⁴⁸ The annual *Documents on American Foreign Relations* includes a list of international organizations to which the United States belongs and a list of conferences in which the country's representatives participated. For such lists applying to the calendar year 1950, see the volume for 1950, pp. 34-48. This book is one of a series published annually by the World Peace Foundation, in Boston; the whole series is so useful that it must be placed near the top of the "must" reference list for any study of recent American foreign policy. (Further footnotes will cite the series simply as *Docs. Am. For. Rels.*)

Another Hoover Commission criticism was that State had no effective liaison with Congress. This liaison is essential if planning and execution of policy are to be wisely handled, yet it is an open secret that these two complementary bodies have often been at swords' points. The Commission recommended the creation of an assistant-secretaryship for congressional affairs, and this reform was carried out in 1949.

The Hoover Commission declared that "the weakest link with the American public is the absence in the State Department of a single high official responsible for the vital contacts with the press and other media of public information. The Assistant Secretary, Public Affairs, should fill this void." This recommendation has been carried out, but the problem is not merely one of administrative overhaul. The dilemma confronted is one of informing and educating a public that often does not seem to care whether it is informed and educated or not; further, if one assumes that education is a proper function of the Department, he soon becomes aware of the flimsiness of the dividing line between education and propaganda. Inevitably there will arise a critic who accuses the Department of using public funds for purposes not of education but of partisan propaganda and self-aggrandizement.⁴⁹

It has often been pointed out that the demands on the President's time are so immense as to create the impossibility of satisfying them. The Commission recommended the creation of cabinet-level committees to correlate activities and to advise the President on the infinite variety of foreign matters the administration of which involves agencies other than State. This suggestion has not been implemented, but a step in its direction was taken in 1950, when President Truman named W. Averell Harriman as "Special Assistant to the President on international affairs." There is clearly great advantage in having a man of international experience act as the President's alter ego in ironing out interagency disputes and in narrowing the range of issues that must be submitted to the decision of the front office. There appears, however, to be implicit in such an arrangement the danger of confusion and jealousy, emanating especially from the State Department, which tends to consider itself the sole guardian of our foreign interests. Much of the usefulness of such a departure may be expected to depend on amicable relations between the President's special assistant and the Secretary of State.

➤ *Reforms Yet to Come.* Another proposed reform is controllable only in part by State: liaison with the Central Intelligence Agency. World War II demonstrated conclusively that the various federal intelligence agencies—those of Army, Navy, State, O.S.S., and F.B.I.—often worked at cross-purposes,

⁴⁹ See James Reston, "Information Problem Still Confronts Acheson," *New York Times*, Jan. 15, 1950, p. E5. See also Lester Markel, *Public Opinion and Foreign Policy* (Harper, 1949), especially the concluding chapter.

and consequently in 1947 the CIA was set up under the National Security Council to act as a coordinator of all intelligence activities. It has been a matter of general knowledge ever since 1947, however, that CIA was only moderately successful in its extremely difficult job of integration, and in 1949 the Hoover Commission indicated its opinion that intelligence was the weakest unit of State and that there was more rivalry than cooperation between State and CIA. The problems are very complex, and one cannot hope that they will be solved overnight.

The Hoover group repeated a suggestion that had often been made before: that the home and foreign personnel of State be consolidated into one service, members of which would be available for assignment to duty either in Washington or overseas. As the matter now stands, the domestic service is recruited mainly through the United States Civil Service Commission, but the Foreign Service is not. Salary scales are not by any means identical, so that when a Foreign Service officer is detailed to duty in the Department he may well find himself working under an administrator whose pay is less than his own. Add to this the oft-noted feeling of superiority and exclusiveness on the part of Foreign Service officers as a class, plus the fact that the men in domestic service are seldom acquainted by firsthand experience with conditions in the field, and one sees why a union of the two groups is frequently urged. Such union has, incidentally, been effected in all the other major countries. In 1951 a committee of inquiry (headed by Mr. James H. Rowe, Jr.) reported in favor of the proposed amalgamation, and intra-Department opinion polls indicated majority support of the suggestion; but no revision of the pertinent statutes followed immediately. Rather, by departmental directive it was ordered only that personnel be interchanged to the maximum degree permitted by present law.⁵⁰

➤ *What Is the State Department's Proper Function?* For some time a battle has been raging over the State Department's proper place in the foreign-affairs administrative picture. At one extreme are those who would consolidate in State all foreign political and economic functions; at the other are those who believe that its functions should be restricted to policy making in a rather narrowly defined political and diplomatic sphere. The former argue that only by such consolidation can operations and variant policies be effectively correlated, and that politics and economics are so intertwined in the international realm that it is fruitless to talk about separating them. The latter maintain that State is not equipped by tradition, experience, or personnel to operate such projects as the Voice of America or technical-assistance or relief programs,

⁵⁰ See Arthur W. Macmahon, "The Administration of Foreign Affairs," *American Political Science Review*, Sept. 1951, pp. 853-857; also The Brookings Institution, *op. cit.*, pp. 291-326.

that it has not been efficient in its attempts in such areas, and that it should abandon them and hoe its proper row, diplomatic policy making.⁵¹ The argument as yet has been inconclusive, and there is no reason to believe that it will be settled soon—or, indeed, that it will be won by either of the above-mentioned extreme groups. A continuance of the present mixed policy-and-operating function appears far more likely.

➤ *Continuing Need for Reorganization.* In any living organization change is normal. State is probably in need of more change than most government agencies simply because in a very real sense it is young. It appears paradoxical to speak of growing pains in a department that is senior to all the rest, but the fact of the matter is that the Department of State has come to its present size and importance only within the last very few years. Reference has already been made to its modest beginnings, in 1789, with a staff of five. By 1800 its personnel numbered ten. A century later, in 1900, it employed fewer than 100. Even in 1940, on the eve of the war, its personnel roster listed fewer than 1000 people. By way of contrast, in 1951 there were about 7000 on the pay roll in Washington and about 16,000 more in the consulates and diplomatic missions abroad. This is not only tremendous growth but recent growth.

This change of status since 1940 is a graphic indicator of the changed outlook of the United States concerning the vital importance of what had long hitherto been regarded as distant foreign affairs. No longer can we tolerate the leisurely attitude of the 1870's, when a Secretary of State told President Hayes of "... the great truth that almost any question will settle itself if you only leave it alone long enough," and that "... there are just two rules at the State Department: one, that no business is ever done out of business hours; and the other is that no business is done in business hours."⁵² Much revamping has been done since then, and much more will doubtless be necessary; furthermore, it will have to accomplish something more than what was said to have been accomplished by some of the revamping done under Secretary Stettinius: the provision of green walls and white telephones.

OTHER FOREIGN-AFFAIRS AGENCIES

➤ *Problems of Coordination.* One should not discuss agencies conducting our foreign relations without making clear that the Department of State is

⁵¹ Without taking as extreme and all-inclusive a stand as that outlined above as the first alternative, the International Studies Group of the Brookings Institution, in *The Administration of Foreign Affairs and Overseas Operations*, favors the granting of broad jurisdiction to the State Department; see this study, pp. 167-242, especially the conclusions on pp. 239-242. The Hoover Commission tended to favor casting State in the policy-making, nonoperating, role; see its *Report*, p. 32. So does ex-ECA Administrator Paul Hoffman, who avers flatly that State should consider itself solely a policy-making agency, with no operating responsibilities; see his *Peace Can Be Won* (Doubleday, 1951), pp. 112, 121.

⁵² Quoted by Stuart, *The Department of State*, p. 153. The same volume has much material on the organic growth of the Department, and devotes considerable space to the attempts made in the 1940's to reorganize it; on the latter point, see its Chapters 31-32.

only one of many concerned with such matters. The Hoover Commission remarked that "in the interdepartmental field there are more than thirty committees concerned with economic, social, military, and other aspects of foreign affairs. Of 59 major departments and agencies in the executive branch, at least 46 are drawn into foreign affairs to a greater or lesser extent."⁵³ In order that the same general policy may guide all the agencies dealing at least in some measure with international affairs, coordination of their work has been necessary. So numerous have become the agencies, and so numerous the coordinating committees, that there is considerable truth in the Washington quip that the crying need is for more coordinators to coordinate the coordinators. In actual fact, coordination is one of the major problems to be solved.⁵⁴

The fact that forty-six major federal agencies are involved in our foreign policy is eloquent evidence that international affairs loom larger and pervade more aspects of our governmental life than ever before, making it impossible accurately to draw a line between domestic and foreign policies. If three fourths of the major governmental agencies deal in some measure with foreign affairs, there can be no disputing the statement that those affairs must be of immense significance to deserve so much attention. There is bolstering evidence in the amounts of money (cited in the first chapter of this volume) spent annually by the federal government for international affairs.

➤ *Military Agencies.* The war powers of the President and of Congress have always been recognized as of paramount importance in foreign affairs. This is true in peace as well as in war, and to a far greater degree than is generally appreciated. For example, military men in command of occupation forces in Germany or Japan after 1945 were in a position materially to influence the conduct of American foreign policy, if not indeed actually to make that policy. The Joint Chiefs of Staff, composed of the "top brass" in each of the three defense services, also may exert extensive influence on foreign policy. As a matter of fact, after 1945 there was much criticism of the assignment of military men to prominent positions that traditionally had been filled by civilians; it was often alleged that our foreign policy was being determined largely by men who understood and appreciated fire-control radar much better than they did the

⁵³ *Report on Foreign Affairs*, p. 4. A chart portraying the forty-six and fifty-nine agencies mentioned will be found opposite p. 44 of the *Task Force Report on Foreign Affairs*, Appendix H of the Hoover Commission Report.

⁵⁴ An excellent consideration of the major agencies involved and an analysis of the problem of coordination will be found in the Brookings Institution's *Major Problems of United States Foreign Policy, 1948-49* (Brookings Institution, 1948), pp. 219-238. These pages were enlarged into a useful pamphlet, *Governmental Mechanism for the Conduct of United States Foreign Relations* (Brookings Institution, 1949). Both publications were prepared by Brookings' International Studies Group. A lengthy consideration of the federal agencies involved in determination and execution of foreign policy is that by Wallace J. Parks, *United States Administration of Its International Economic Affairs* (Johns Hopkins Press, 1951), especially pp. 95-309. See also Vera M. Dean, "How U.S. Foreign Policy Is Made," *Foreign Policy Reports*, Oct. 1, 1949.

more tedious processes of diplomatic negotiation and accommodation. This widespread use of military men could be traced partly to the continuance, in the minds of President and public alike, of the war-inspired glamour of the uniform; partly to the availability of men in the armed forces for assignment at rates of pay that did not interest most top-flight civilian executives; and surely largely to the fact that the United States was coming to understand better than it ever had before in peacetime the importance of the proper use of force in international relations.

➤ *Civilian Agencies.* In 1947 the National Security Act created a National Security Council (NSC), whose functions have been succinctly and officially summarized as follows:

... to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the government to cooperate more effectively in matters involving the national security. . . . The duties of the Council are to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President. . . .⁵⁵

Since its reorganization in 1949, the NSC has been placed in the Executive Office of the President; it is composed of the President, the Vice President, the Secretaries of State and Defense, the Chairman of the National Security Resources Board, and other cabinet members whom the President may invite to attend. It will be apparent from the quotation above that its duties are purely advisory, but an agency that can advise the chief executive on matters of such pith and moment as those confided to the NSC comes very close to actually determining policy.

The National Security Resources Board (NSRB), the chairman of which is ex officio a member of the NSC, and which also was created by the National Security Act of 1947, is composed of a chairman, appointed by the President with consent of the Senate, and cabinet department heads designated by the President; in recent years, therefore, the NSRB's membership has included the Secretaries of State, Treasury, Defense, Interior, Agriculture, Commerce, and Labor. This board is also advisory to the President, and it has the task of aiding him in correlating our foreign and military policies with our natural resources. Its very existence is recognition that preparedness and mobilization are conditioned by natural resources, which must support them and which are so important a factor in national power. Possibly its major significance is as a top-level committee for the correlation of those multifold activities of the cabinet departments which impinge on the realm of foreign affairs.

A great many other civilian agencies help develop and execute foreign

⁵⁵ *U.S. Government Organization Manual, 1949* (GPO, 1949), pp. 59-60.

policy. For example, the Treasury Department has important functions in the field of foreign loans and international trade, as does also the Export-Import Bank of Washington; the Department of Commerce has much to do with the promotion of export and import trade, with analyzing it, and with controlling it through the granting or withholding of licenses; the Marshall Plan's Economic Cooperation Administration and its successor, the Mutual Security Agency, are obviously of front-rank importance in this connection.⁵⁶

Literally dozens of offices contribute to the making of the thing we call foreign policy. Their very number, the variety of their functions, and the obvious difficulty of running them all on parallel tracks are prime reasons why the conduct of foreign affairs is not as simple and smooth-running an operation as the man in the street expects it to be. This is only one part of the picture. One must realize that the same general situation exists in the other major states of the world, and one must also take into consideration the host of international organizations, some affiliated with the United Nations and many others independent.⁵⁷ Andrew Jackson said in 1829 that "the duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance." The days when our international concerns were "plain and simple" are, unfortunately, gone with the dodo.

⁵⁶ Consideration of these numerous agencies will be found in the previously cited publications of the Hoover Commission, the Brookings Institution, and Wallace J. Parks.

⁵⁷ The size of the latter aspect of the problem of efficient conduct of foreign affairs may be roughly judged by a glance at *International Agencies in which the United States Participates*, Dept. St. Publ. No. 3655 (GPO, rev. ed., 1949), in which more than 300 pages are devoted to listing and briefly describing the international organizations to which the United States belongs. In the same connection see Ruth D. Masters, *Handbook of International Organizations in the Americas* (Carnegie Endowment for International Peace, 1945); and *Docs. Am. For. Rels.*, 1949, pp. 88-92.

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☆ II ☆

THE UNITED STATES AND THE COLD WAR

4. ISOLATIONISM AND NEUTRALITY

5. THE UNITED STATES AND WESTERN EUROPE

6. THE UNITED STATES AND CENTRAL-EASTERN EUROPE

7. THE UNITED STATES, THE SOVIET UNION, AND THE COLD WAR

8. FOREIGN ECONOMIC POLICIES OF THE UNITED STATES

ISOLATIONISM AND NEUTRALITY

WE NOW PASS from the determination and conduct of foreign policy to the content of the policy itself. More accurately, we should speak of foreign "policies," since, as noted in the first chapter, we have several of them. The one that we now consider—isolationism—is one that we have applied in our relations with Europe.

✓ ISOLATIONIST POLICY TOWARD EUROPE

➤ *The Nature of Isolationism.* As the word "isolationism" is used in the following pages it will refer to that attitude which holds that the United States should not interest itself in European affairs, especially those of a political and economic nature which may easily give rise to wars; that political relations and especially treaties of alliance should be kept to a minimum, if not reduced to the vanishing point; and that in general we would stay on our side of the street if the European countries would remain on the other side.

For this type of policy there was a great deal of good to be said in the years of the founding of our country. Europe was in truth a distant continent; the Atlantic Ocean was at least six weeks wide, and no one had to worry about the Pacific Ocean at all. The United States was a young, weak, and struggling nation. Our military strength was virtually nil; our people did not have the feeling of national unity that characterizes them today, and our government was faced with the serious problem of amalgamating men who felt themselves to be Rhode Islanders or Virginians before they were Americans; the end of the Revolutionary War left major problems to be solved, such as monetary and commercial troubles and the difficult question of how to get along with the former mother country, England; there were forests to be felled and Indians to be pacified. All these forces most naturally impelled the United States toward an introspective concern with its own affairs. Moreover, the very name "Europe" left a bad taste in the mouths of patriots who were disgusted with George III and his Hessian mercenaries. Under the circumstances it would have been downright amazing if our attitude had not been basically isolationist.

➤ *Nonisolationist Policies.* Yet even in those distant and difficult days we were by no means completely isolationist. One thinks at once of the alliance

of 1778 with France. Although this antithesis of isolationism was merely an attempt to obtain foreign help when we desperately needed it, and although we rather gracelessly declined to reciprocate fifteen years later, when the French in turn desired our assistance, the important thing to remember at the moment is that we evidently had no doctrinaire belief in complete insulation from Europe. For examples from much later times, one need only mention the dates 1917-1918 and 1941-1945 to call to mind an utter negation of isolationism. Nevertheless, the fact remains that basically, as of the late eighteenth century, there was good reason for maintaining that we would let other peoples alone if they would only return the favor.

Quite different from our European policies have been our attitudes toward Latin America since 1823 and the Far East since 1844. When President Monroe wrote his famous message of 1823 from which we derived the "Monroe Doctrine," he did, to be sure, pay tribute to the idea of noninvolvement in European affairs, but he emphatically did not apply isolationist doctrines to Latin America; "isolation" is hardly an apt word to describe our relations with the erstwhile Spanish colonies, either then or now. Thus to characterize our foreign policy in general as isolationist is to stray far from the truth. We have more or less adhered to it as a European policy, although even in that region only by fits and starts, and we have not even pretended to respect it in the other two major areas of our interests.

WASHINGTON'S FAREWELL ADDRESS

In the great neutrality debate of the 1930's, appeal was frequently made to the political wisdom of the father of our country, and by direct statement or by implication he was portrayed as the father not only of his country but of its policy of isolation as well. That he was the father of the Neutrality Proclamation of 1793 may readily be granted, but his paternity of isolationism may equally well be doubted, as many of these imputations seem to be based on a very careless reading of the famous Farewell Address of 1796. One of America's outstanding diplomatic historians has rightly said that "The immortal Farewell Address is one of the least read, most incorrectly quoted, and most widely misunderstood documents in American history."¹

This address will well repay close scrutiny. One thing that becomes immediately apparent is that nowhere in it did Washington advise his country to abstain from "entangling alliances," although similar phraseology was used. The well-worn "no entangling alliances" phrase was not Washington's, but was used by Jefferson in his first inaugural address, five years later. Another thing to be kept in mind is the very date of the pronouncement: 1796. Washington was advising his "Friends and Fellow Citizens" on events and trends of the late eighteenth century, and it is likely that nothing was further from his

¹ Thomas A. Bailey, *The Man in the Street* (Macmillan, 1948), p. 246.

mind than to counsel his countrymen on the politics of a later century. He himself made no claims to prophetic ability, and this is well for his reputation, since at least one of his attempts at crystal gazing did not turn out as anticipated. With considerable heat and passion he warned against the "danger of parties in the state," and "the baneful effects of the spirit of party." If parties are an evil, they are at all events a necessary one under present conditions, and no one now proposes their abolition merely because Washington, with eighteenth-century experience in mind, inveighed against them. Yet many do propose isolationism because of their conception of Washington's advice.

➤ *The Pertinent Text.* Let us then examine what Washington did say, insofar as foreign relations are concerned. These are the pertinent words:

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? . . .

. . . nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. . . .

Against the insidious wiles of foreign influence, (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. . . .

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why interweave our destiny

that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences . . . keeping constantly in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard. . . .

One of the most impressive things about these paragraphs is their expression of good, sound common sense: be honest, be faithful to obligations, don't pry into your neighbor's affairs, pay attention to your own business. Such copy-book maxims are of enduring truth, whether stated in 1796 or a century and a half earlier or later. Particularly when a young nation faced with a struggle for its very survival has a "detached and distant situation," which enables it to work out its own destiny unhampered by European imperialistic and dynastic intrigues, it is clearly good judgment for it to refrain from unnecessary meddling in other people's internal affairs. We sometimes forget that in the twentieth century, when the effective width of the Atlantic and Pacific oceans is measured in hours rather than in weeks or months, we no longer enjoy a detached and distant situation. To talk about isolation now in the eighteenth-century sense represents the same sort of lag as would a farmer's attempt to feed oats to his tractor.

➤ *Advice on Alliances.* Frequently overlooked in the Farewell Address is the obvious approval of "temporary alliances for extraordinary emergencies" by the man who is cited by many as an uncompromising foe of alliances in general. It is true that Washington did advise against permanent alliances, because of the danger of their involving us in matters that were none of our business; but it is equally true that there is nothing in the Address that enjoins the nation, then or now, from all alliances categorically.

Time and again Washington recurs to the theme of designing our policy in such a way as to serve our own best interests; using this as a point of departure, he takes the eminently sensible approach that some alliances are bad and others are good, depending upon the extent to which they serve our own interests. Clearly, then, it is a misconception that he was unalterably opposed to having anything whatsoever to do with affairs east of the Atlantic. He obviously had no intention of severing commercial relations with Europe; quite the contrary. They were to be continued and presumably expanded, but we were to take precautions against becoming so engrossed in them as to lose sight of the main goal, the protection of American national interests. Here again the eighteenth-century background of the Address is evident: in those days it was considerably easier to separate commerce and politics and to deal individually with each than it is in the present century.

➤ *Commentary on International Gratitude.* Good sense was illustrated also in Washington's advice against a failing that is probably as common now as it was then: namely, the tendency to expect gratitude and disinterested favors from another nation. One wishes that it were otherwise, but a candid appraisal of international policies leads one to the inescapable conclusion that altruism is at best a secondary motivation for national actions. One may accept as axiomatic the principle that nations base their actions on what they conceive of as "national interest" rather than on a charitable desire to do good to their fellow men or to reward others for good turns.²

➤ *Citation of Inapplicable Authority.* The aforementioned attitude toward the Farewell Address is typical of a pseudo-intellectual technique that many employ: one assumes a given position in an argument, then buttresses that position with random sentences uttered by some person high in the national esteem. That the honored source of the "quotation" really said something different from that which is attributed to him, or that he said it in context that effectively altered the meaning of the words taken by themselves, is easily overlooked. Even if one ignores popular misreadings of the Farewell Address or of other prominent state papers, it is reasonable to question the current applicability of advice rendered under conditions far different from our own. Thus we may profitably ponder the dictum of Thomas Jefferson, who said, in speaking of the federal Constitution:

Some men look at constitutions with sanctimonious reverence, and deem them like the Ark of the Covenant—too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. It deserved well of the country. It was very like the present, but without the experience of the present; and forty years

² For a discussion of the meaning of "national interest," see Charles A. Beard, *The Idea of National Interest* (Macmillan, 1934).

of experience in government is worth a century of book reading; and this they would say themselves were they to rise from the dead.³

EVALUATION OF ISOLATIONISM

➤ *Unrealistic Attitudes.* Besides the isolationist argument drawn from the Farewell Address, there are other types in which inhere imperfections of wishful thought, insufficient economic knowledge, or sheer emotionalism. None of them is intellectually satisfactory. Just as simply wishing to live in peace does not accomplish the hard labor of actually keeping the peace, so wishing that one could exist without the complications and frustrations of foreign trade does not eliminate the difficulties of international commercial intercourse. Yet many of us demonstrate our lack of economic sophistication by the acceptance of the argument, to be discussed shortly, that, since trade is at least a contributing cause of war, its elimination would prevent war. This ignores completely the nations' mutual dependence upon trade and the practical impossibility of our living without it. In other cases our isolation springs, as will be indicated later, from nationalistic or other largely emotional attachments for various foreign countries. For several reasons, then, many of us, even in the mid-twentieth century, long for a state of affairs which cannot exist—one in which we mind our own business and care naught for the ills of the rest of the world. Isolationism makes a siren appeal, but it is supported largely by untenable arguments directed toward an unrealistic and unattainable end.

➤ *The Argument for Economic Isolation.* The following reasoning is not uncommon: International political rivalries and wars are caused by economic rivalries, which manifest themselves in various forms of imperialism. We seek foreign markets or sources of raw materials or military bases to guard or extend our possessions. We hear the half-truths that we became involved in World War I in order to protect foreign investments and that we declared war on Germany because that country's submarines torpedoed our commerce. Foreign trade, in brief, is cited as the cause of our involvement in war. If a cause produces an undesirable effect, the prudent thing is obviously to remove the cause. In other words, so the reasoning goes, if we would have peace we must not trade abroad, for this is the first step toward war.

Such a line of argument ignores the history of the United States between 1807, when Jefferson's embargo took effect, and the Hartford Convention of 1814, when the New England states talked of seceding from the union. During this period trade with Europe was eliminated, because it was thought to endanger our peace. The embargo had disastrous effects on New England's shipping economy (to say nothing of its effects on Jefferson's political future) and created the very real danger of splitting the union as envisaged by some

³ Quoted by Fred Rodell, *Fifty-Five Men* (Telegraph Press, 1936), p. 220.

of the more fiery delegates to the Hartford Convention. We should learn something from that series of episodes.

➤ *The "10 Percent Fallacy."* The argument against foreign trade sometimes appears in this form: the value of our foreign trade amounts to not more than 10 percent of the value of our total trade, and if this 10 percent appears likely to endanger the remaining 90 percent it is patently the better part of wisdom to sacrifice the lower value to the greater. Thus we should keep our ships in our harbors, where they cannot give rise to war-provoking incidents. True, termination of our foreign trade will cost us the profits from that trade, but we can simply take in our belts by 10 percent; the resulting discomfort will be an infinitesimal inconvenience compared to the costs and horrors of war.

Apparently logical on its face, the argument overlooks certain basic facts of American economics and politics. For one thing, several major occupations providing a livelihood for millions of Americans must export 25 to 60 percent of their product annually or else sell it all at a loss; and this loss is felt not only by the cartoonist's stereotype of the bloated coupon-clipping plutocrat but by millions of unemployed little people. One need only refer to such industries as the growing of corn, wheat, tobacco, and cotton and the manufacture of office machines, automobiles, and farm implements to find examples of businesses that depend on the export market for their margin of profit. An embargo might cause the loss of only a statistical 10 percent of the nation's total trade, but the proportion would be far greater than that in several major industries. When the export market for cotton or wheat expires, so does the income of untold hundreds of thousands of farmers and their families. Purely from the economic point of view, then, the matter is not as simple as it would be if every person in the country were simply to take a horizontal cut of 10 percent in his income.

➤ *Political Ramifications of Eliminating Foreign Trade.* It is when the political repercussions of eliminating foreign trade are considered that the fantastic nature of such a suggestion becomes most obvious. Can anyone familiar with the disproportionate power of the Senate farm bloc believe for a moment that its constituents would not immediately snow Washington under with anti-embargo protests? Or that the farm bloc would not effectively prevent an embargo? And the farm bloc is only one of the interest groups that would become active; numerous others, such as chambers of commerce and associations of manufacturers, would make their pressure felt on Congress within a matter of hours after the first proposal of such an embargo. From the points of view of both economics and practical politics it seems that one should discard the embargo idea.

➤ *Foreign Need of American Products.* A further fact is either overlooked or airily disparaged by many who propose a stoppage of foreign trade: the fact that international commerce is a two-way street. We are not the only ones who are concerned with what we produce and ship abroad; for every

seller there is a buyer. If we were to invoke an embargo and try to maintain strict neutrality during a foreign war, it is not at all outside the realm of possibility that warring nations, desperately dependent upon our sources of any number of strategic and indispensable commodities, might attempt to gain by force of arms what we had determined not to provide through commercial channels. The possibility of a war thus literally forced upon us is not to be ignored.

➤ *American Dependence on Foreign Countries.* Furthermore, we ourselves draw upon foreign sources for materials just as essential to our economy as ours are to others. We Americans are impressed, and justly so, with our bountiful natural supplies of raw materials, and we tend to assume that we are, or can easily become, self-sufficient. This assumption is flatly contrary to fact. We are rich, and yet, paradoxically enough, we are poor in respect of numerous exceedingly important strategic minerals and other materials, without which our economy simply could not function even in time of peace, to say nothing of war.

This matter has gravely concerned those public officials to whom is confided responsibility for safeguarding the country's interests. They are apt to argue as follows: if the basic premise is, as it clearly must be, that these materials are needed, then sources of them must be found. If they are not available domestically, they must either be synthesized—and this is much easier said than done—or imported. If they must be imported, it is patently in the interest of the United States to ensure continued supplies, not only in the relatively uncomplicated times of peace but in the critical days of war. If they are to be available in time of war, the United States must not only have the navy to protect the shipping lanes but must stockpile and must also, if possible, see that the countries of origin of the materials are friendly to us. Means of attempting to ensure that friendship are varied; some of them are: technical assistance under such programs as "Point Four"; the Marshall Plan and its successor, the Mutual Security Program; international intellectual understanding, brought about by the Fulbright scholarship exchanges, the Voice of America, and similar devices; and, quite likely, mutual-defense alliances, such as the Rio Pact of 1947, within the Organization of American States, the North Atlantic Treaty of 1949, and the Pacific security arrangements negotiated in 1951. Whatever the means employed, the basic fact is that none is isolationist in any proper sense of the term. All the possible means involve extended international cooperation between the United States and the foreign country, in the interest of protecting our own position.

Indications of our dependence upon foreign sources of strategic minerals are found in such facts and figures as the following, which have behind them the authority of the government agency charged with the study of such matters, the Bureau of Mines in the Department of the Interior. According to this source,

in 1951 (and doubtless the situation will continue for the foreseeable future) the United States was virtually completely dependent upon foreign sources for supplies of eight strategic minerals: industrial diamonds, quartz crystals, tin, chromite, nickel, strategic mica, long-fiber asbestos, and tantalum. The same source estimated that in 1951 the United States produced the following percentages of its consumption of other strategic minerals:⁴

Platinum metals	7 percent	Bauxite	38 percent
Manganese	8 "	Tungsten	50 "
Mercury	9 "	Lead	55 "
Cobalt	10 "	Copper	65 "
Flake graphite	20 "	Zinc	70 "
Antimony	26 "		

The Bureau of Mines viewed such statistics with alarm; in testimony before a Senate Committee in 1947 one of its staff members suggested the wisdom of

... establishment of mineral *attachés* in . . . our embassies in foreign countries, people who know what to look for and will keep their eyes open, keep supplying us with the information which can be made available to your committee and to the public here. Our own industries need that information. . . . It is . . . necessary to know the policies of the foreign countries and how they are going about the development of minerals, to be sure that we have a supply of them to maintain our stockpile program and also our industry itself. . . .⁵

The fact that our domestic supply of various minerals is short or non-existent has naturally bothered military men, who are duty-bound to assess and try to remedy our national weaknesses. From them have come demands for peacetime stockpiling of critical materials, but thus far the demands have been greater than the accomplishments. At any rate, the thing to be noted in this connection is that in 1945 the Army and Navy Munitions Board compiled a long list of "strategic and critical materials . . . [which] are those materials required for essential uses in a war emergency, the procurement of which in

⁴ These figures are taken from Bureau of Mines press release, Aug. 19, 1951. Earlier and more detailed statistics will be found in the Bureau's *Minerals Yearbook*, 1949 (GPO, 1951), pp. 32-34, 1607; and in *Investigation of National Resources*, Hearings before a Subcommittee of the Committee on Public Lands, U.S. Senate, May 1947 (GPO, 1947), especially pp. 177, 179, 181, and 183. See *ibid.*, pp. 165-310, for a detailed consideration of the "Mineral Position of the United States." For an excellent and authoritative survey of strategic minerals, their uses, and their effect on international politics, see C. K. Leith, *World Minerals and World Politics* (McGraw-Hill, 1931). See also J. DeMille, *Strategic Minerals* (McGraw-Hill, 1947); Brooks Emeny, *The Strategy of Raw Materials* (Macmillan, 1934); Eugene K. Leith, J. W. Furniss, and C. Lewis, *World Minerals and World Peace* (Brookings Institution, 1943); Hanson Baldwin, *The Price of Power* (Harper, 1947), pp. 110-129, 147-177, 345-349; F. H. Simonds and B. Emeny, *The Great Powers in World Politics* (American Book, New Ed., 1939), pp. 61-97; William H. Hessler, *Operation Survival* (Prentice-Hall, 1949), pp. 217-221.

⁵ See *Investigation of National Resources*, p. 130.

adequate quantities, quality, and time is sufficiently uncertain for any reason to require prior provision for the supply thereof." The Board proceeded to list some thirty-five minerals and seventeen other materials which in its opinion must be stockpiled, and nineteen more in which stockpiling was recommended although not deemed essential; eighteen were not recommended for stockpiling, largely because of difficulties of storage.⁶

Fortunately not all of the picture is as bleak as the part just sketched. The United States produces several strategic minerals in quantities sufficient not only for domestic use but also for export: hard and soft coal, sulfur, phosphate rock, salt, natural gas, helium, and magnesium. We are nearly self-sufficient in iron ore and petroleum, although our position is declining with regard to both.

In spite of this brighter side, national policy makers dare not be Pollyannas; it is their business to plan against the worst possible eventualities. They, and the nation they lead, must face the facts concerning American shortages of strategic materials, and they must remember that the position of the United States has been deteriorating in recent years. The ratio of our domestic mineral production to our consumption has been decreasing; on the whole, although not in every case, we are further than ever from self-sufficiency. This fact must have a profound influence on our international policies. We may wish to isolate ourselves from the ills the world is heir to, but such action is physically impossible in view of such data as those presented in the preceding paragraphs. Whatever may be the path of our wishful thinking, our enlightened self-interest (which has been aptly defined as selfishness with a college degree) leads us along the road of costly, uncertain, and troublesome international collaboration.

Many are tempted to avoid the issue by declaring that we can get along without foreign imports. We can, of course, do without coffee and bananas, but this would solve only a limited part of the problem. It is insufficient, too, to argue that we can develop substitutes for products normally imported. We did, for example, produce large supplies of synthetic rubber during World War II, although after considerable delay and at the fantastic cost of the better part of a billion dollars. We could doubtless do likewise with other commodities, although in many cases the process would be accompanied by higher costs, questionable quality, and a consequent lowered standard of living. Conceivably, scientists could devise *ersatz* replacements for all currently imported strategic materials, but only if unlimited funds were available and years of experimentation and development were possible. The idea of developing substitutes is alluring, but extremely deceptive. There is no escaping the fact that we are in and of the world.

⁶ The list is available in several places: see *Investigation of National Resources*, p. 41; Robert Strausz-Hupé and Stefan Possony, *International Relations* (McGraw-Hill, 1950), pp. 134-135 and p. 140; Norman Hill, *International Relations, Documents and Readings* (Oxford University Press, 1950), pp. 260-261.

➤ *Ethnocentric Isolationism.* The close attachment between many Americans and their European forebears often makes for mutual interests, and yet, paradoxically, in time of war emergency the same attachment appears to form a basis of isolationism. The "hyphenated Americans" may be in a position to exert considerable political pressure to keep the United States from undertaking action that might be detrimental to the countries of their origin. Although the alleged hyper-isolationism of the Midwest has often been attributed to the fact that the area between Ohio and Nebraska was far removed from the coasts and therefore from appreciation of foreign-bred dangers and advantages of foreign trade, this insularity may not be the real cause of that section's tendency to withdraw into itself. Recent studies indicate a remarkably high correlation between the degree of isolationism of a given population and the proportion of residents of German extraction.⁷ The German-American influence on public opinion in 1914-1917 and 1939-1941 has long been noted, but its effect may have been even greater than was at first realized. Somewhat similar to the German is the Irish vote, which has been traditionally anti-British. As European immigration declines, however, and as amalgamation takes place in the melting pot, family connections with Europe become more and more remote. It would appear that there is a dim future, in the long run, for isolationist sentiment founded upon an ethnic base.

➤ *Summary.* America's isolationism in Washington's day was based largely on three factors: our isolated geographic position, our weakness, and our preoccupation with domestic problems. The first two of these factors are gone, and the third is vastly altered.

Many Americans appear to be under the impression that their country has been able to go its own way and prosper simply because it behaved itself and went to church every Sunday. They forget the extreme good fortune of this country to have had, in its difficult formative years, no near-by enemies. A French ambassador to the United States once pithily combined wit and knowledge of political geography when he sighed enviously: "How fortunate are you Americans! On the north, a weak neighbor; on the south, a weak neighbor; on the east, fish; and on the west, fish!" One reared in the cockpit of European jealousies and antagonisms might well envy the good luck of a people in having gotten themselves born so far from trouble.

⁷ See Samuel Lubell, "Who Votes Isolationist and Why," *Harpers Magazine*, Apr. 1951, pp. 29-36. Reprinted by permission of the publisher. States Mr. Lubell: "Throughout the country in 1940 Roosevelt's proportion of the major party vote dropped roughly 7% from 1936. There were twenty counties, though, where his loss exceeded 35%, five times the national average. Nineteen of these counties are predominantly German-speaking in background." There were 35 counties in which Roosevelt's vote dropped by from 25% to 34%; in 31 of these Germans were the first or second strongest nationality of origin, "... which also holds for at least 83 of the 101 counties where Roosevelt's 1940 vote dropped between 20% and 24%."

One fortunate result of our relatively remote geographic position has been that when war came someone else took the brunt of it first, and our military and industrial might could be marshaled after the outbreak of the war. This truth has often been illustrated, but at no time better than in the early years of World War II. General Dwight Eisenhower, who should know whereof he speaks, has testified that successful American preparation for action in that war was made possible by the fact that we had reliable allies and were ourselves far from the seat of the initial fighting.⁸ Someone is said to have suggested that the United States would build the world's greatest navy when someone invented a naval gun that would shoot into Kansas. That particular technological marvel is yet to come, but atomic bombs, guided missiles, and pilotless aircraft have had their effects on our defense preparation. Geography was once our greatest defense, but it is no longer a secure one. A policy is no longer valid which is based on the assumption that an army cannot attack us without traveling for weeks or months.

The second reason for isolationism a century and a half ago, our weakness and our desire to develop our resources without engaging in foreign wars, was perfectly sound at the time. But today, however reluctantly, we must realize that we are mature, that we are strong, and that our strength and maturity bring responsibilities. An infant is not expected to shift for himself in the world, but an adult is; and neither actions nor clothes fitted to a two-year-old should be expected to suit him several decades later.⁹

The third motive for isolationism, the protection of American national interests, remains, in general; but the interests to be protected are far different. Once they were geographically localized in a strip of land running along the Atlantic coast; now, of course, they reach to the Pacific and across it, and the trading interests are literally world-wide. The previously mentioned commingling of "domestic" and "foreign" matters is to be recalled in this connection; the dividing line blurs increasingly. Protection of our interests nowadays does not demand a retreat into a shell of isolation, such as Japan's before the visit of Perry; it demands the maintenance of peace and a reasonable degree of prosperity around the globe. We still wish to protect our interests, but the means vary from one time to another. Our affiliation and cooperation with the United Nations since 1945 is an indication of our official belief that, rather than try to be isolated or neutral in a war that has already started (and we have never in fact completely succeeded in such an attempt) it was the better part of wisdom to enter into limited international efforts designed to prevent the outbreak of that war. At least as significant as our United Nations policy in

⁸ Dwight D. Eisenhower, *Crusade in Europe* (Doubleday, 1948), p. 4.

⁹ This point is extremely well made in an article by a former Secretary of State and Secretary of War, Henry L. Stimson, "The Challenge to Americans," *Foreign Affairs*, Oct. 1947, pp. 5-14.

reflecting this changed feeling is our sponsorship of the North Atlantic pact of 1949, about which more will be said later.

➤ *Foot-and-mouth Disease.* At first glance, the relationship between isolationism and foot-and-mouth disease appears somewhat elusive; but as a matter of fact an episode involving that disease demonstrates that we are not isolationist when our interests clearly indicate a cooperative policy. In December 1946, it was discovered that the cattleman's horror, foot-and-mouth disease, had appeared in the state of Veracruz, Mexico, and had already spread to several other Mexican states. Since it was highly contagious and could spread rapidly, Texas ranchers and others were tremendously worried lest it infect their herds. Although it can in some measure be temporarily controlled by vaccination, the most effective remedy for it is simply to slaughter and bury the diseased animals; but this was a Draconian measure, which, understandably, appealed to no rancher. The whole story need not be detailed, but the following are essential points:¹⁰ by February 1947, Congress had authorized the U.S. Secretary of Agriculture to cooperate with the Mexican government in quarantining the disease; by March 1947, a joint commission of four Mexicans and four Americans had been established and was proceeding to function; by the end of 1947 the slaughter of diseased animals had reached a peak of 50,000 a week; and by the end of 1951 the government of the United States alone had spent some \$125,000,000 in financing the program.

The point of this excursion into animal husbandry is simply this: there must have been some compelling reason for Congress to act as rapidly as it did, for a program to be put into operation that completely destroyed millions of pounds of beef on the hoof, and for the United States to spend many millions of dollars in order to stamp out a disease in a foreign country. Conceivably we might have taken the attitude that what went on in Mexico was solely the business of Mexicans and need not concern Americans. The difficulty, however, was that the virus which causes foot-and-mouth disease could not be relied upon to remain south of the Rio Grande. There was fear that it would soon enter the United States, and consequently drastic measures were taken. Fortunately, they were taken in time. The episode demonstrated in miniature that foreign affairs are often not so foreign, and that they may have so close a relation to our own interests as to make it worth while for us to spend vast sums of money on preventive measures. That the national interest is served by our spending millions to keep a highly contagious disease out of our country is clear. To prevent the origin or spread of the type of disease known as war is not by any means as easy, but the interest of the United States in such prevention is, or should be, equally clear.

¹⁰ For some details of the outbreak and control of the epidemic, see "Control of Foot-and-Mouth Disease," Report of a Special Subcommittee to the Committee on Appropriations, U.S. Senate, Dec. 31, 1948. 80th Congress, 2nd Session, Sen. Doc. No. 211.

NEUTRALITY LEGISLATION, 1935-1939

Whether isolation is feasible or desirable may be debated, but a large group in the 1930's assumed that it was necessary. The people composing this group, in addition to the sizable pacifist congregation, proceeded to legislate toward the goal of isolation; there arose a series of attempts to maintain United States neutrality in the face of European war.¹¹ A typical example of the thoughts of this group is provided by a radio address made on Washington's birthday, 1936, by the leading isolationist senator, William E. Borah, Republican of Idaho. Taking as his text Washington's Farewell Address, he proceeded to draw from it the lessons which, as indicated earlier in this chapter, isolationists commonly infer.¹² After expanding on the thesis that neutrality was the only proper course for the United States in Washington's time or his own, and incidentally indicating that he did not anticipate that the United States and Japan would have a "serious controversy," Borah proceeded to state an opinion that has been very widely held: "I could not subscribe to the theory that collective action against the supposed aggressor means peace. It inevitably means war unless the nation is too weak to resist, and then it means oppression." This attitude illustrates a quite common antipathy to the use of force for any purpose, regardless of the motive, and also a rather curious objection to "oppression" of an aggressor. With the benefit of the clear vision of hindsight, we find it easy to accuse Borah of wishful thinking; but there is no denying that millions of Americans agreed with him.

► *America and World War I.* A fatalistic attitude prevalent in the late 1930's held that if war came we would be "dragged into it" somehow or other, unless we took timely steps to prevent our involvement, as we had not done in 1914-1917. Although no one really knew precisely what caused our participation in World War I, there were several widely held beliefs: (1) we entered in order to protect American loans to the Allies; (2) our entry was caused by reaction against Germany's costly and inhumane submarine warfare; (3) "merchants of death" (i.e., international manufacturers and salesmen of arms and munitions) instigated wars in order to promote their nefarious business, and American belligerency was a consequence of their Machiavellian cunning in peddling their instruments of bloody death. Although none of these explanations was anything like complete, there was something to be said for each, and each had its exponents.¹³

¹¹ A good summary of the thoughts and events of this period will be found in Chapter XLIII of Samuel F. Bemis' *A Diplomatic History of the United States* (Holt, 3rd. ed., 1950); the chapter is appropriately entitled "The Third Collapse of Neutrality."

¹² The text of Senator Borah's address is in the *New York Times*, Feb. 23, 1936, p. 31.

¹³ The above-mentioned points of view were exemplified by the hearings of the Nye Committee of 1934-1936 and by *Merchants of Death*, by H. C. Engelbrecht and F. C. Hanighen (Dodd, Mead, 1934). The standard study of the causes of World War I is that by Sidney B. Fay, *The Origins of the World War* (Macmillan, 1928), 2 vols., which did not

It seems not to have occurred to many people that loans and submarines were only rather superficial phenomena and that the fundamental reason for America's entry into World War I may have been the protection of national interests from the threat of German domination of Europe and the North Atlantic. It has long been axiomatic with many policy makers that the interests of the United States could not tolerate a hostile power in control of the Atlantic region. In any case, in the 1930's many people were convinced that the new war apparently brewing would involve us unless we took steps to shield ourselves from the catastrophe. Following the aforementioned lines of thinking, some people wished to prevent loans to belligerents, some would embargo all trade, some would nationalize weapons manufacture, some would by treaty ban submarine warfare, and some would prevent our nationals from taking passage on ships flying a belligerent's flag.

➤ *The Nye Committee*. Into all the sound and fury of one-sided theories and ill-considered remedies for imperfectly understood ills came the Senate committee investigating the munitions industry; it was headed by Senator Gerald Nye, Republican of North Dakota, and it held hearings in 1934-1936. Much of the evidence that the committee heard tended to lead toward, although it did not prove, the conclusion that American entry into World War I had been the result of the machinations of the big bankers, investment brokers, and munitions makers.

➤ *Neutrality Act of 1935*. It was against this background of rather panicky fear of being drawn willy-nilly into the apparently imminent war, and on the assumption that past mistakes would not be repeated if appropriate legislation were enacted, that Congress passed the Neutrality Act of August 1935, which gave the President discretionary power to bar belligerent submarines from United States waters and to prohibit American nationals from traveling on belligerent ships except at their own risk; further, it imposed a mandatory embargo (to expire on February 29, 1936) on the shipment of war materials to all belligerents. President Roosevelt indicated his displeasure with various features of the bill and desired more discretionary power; nevertheless he signed it.¹⁴

patronize the oversimplified explanations referred to above. Other worth-while books on the interwar-neutrality controversy include the following: Allen W. Dulles and Hamilton F. Armstrong, *Can We Be Neutral?* (Harper, 1936), and *Can America Stay Neutral?* (Harper, 1939); Frank H. Simonds, *Can America Stay At Home?* (Harper, 1932); Charles Seymour, *American Neutrality 1914-1917* (Yale University Press, 1935). A most detailed study is the 1936), by Philip C. Jessup, Francis Deak, W. A. Phillips, A. H. Reede, and E. Turlington. Two recent and opposing points of view on the neutrality of the United States just before World War II are portrayed by William L. Langer and S. Everett Gleason, in *The Challenge to Isolation, 1937-1940* (Harper, 1951), and by Charles C. Tansill, in *Back Door to War: The Roosevelt Foreign Policy, 1933-1941* (Regnery, 1952). The latter book is decidedly anti-Roosevelt and anti-interventionist.

¹⁴ There is nothing new about neutrality or embargo laws and regulations. Congressional embargo legislation from 1794 to 1937 is listed and summarized in the *Congressional Record* for Oct. 21, 1939 (76th Congress, 2nd Session), pp. 1157-1160. The course of American

➤ *Ethiopian War.* Within a matter of weeks the Italian invasion of Ethiopia was begun. President Roosevelt dutifully imposed the embargo on shipments of arms and implements of war to Italy and Ethiopia and warned Americans not to travel on the ships of the warring nations. The League of Nations condemned the obvious aggression and moved to impose sanctions. The latter measures, however, never too heartily endorsed by several outstanding statesmen, were materially weakened by the twin facts that (1) the United States, as a nonmember of the League, did not join in them, and (2) although the United States refused to sell implements of war to Italy (as well as Ethiopia), Americans were free to conduct and did conduct a thriving, although officially discouraged, trade with Italy in oil, trucks, copper, and other conditional contraband (goods which one belligerent may prevent another from receiving if they are probably destined for the use of the armed forces: they are articles which may be used for either civilian or military purposes).¹⁵ This trade and Mussolini's threat of general war if complete sanctions were invoked were largely responsible for the half-heartedness of the attempt at sanctions. It was evident that at the very least an important moral issue was raised by our refusal to aid the victim of aggression by the sale of implements of defense. But the American people were not in a mood to argue points of logic, ethics, or international law; the one question of importance was whether we could keep ourselves out of war.

➤ *Neutrality Act of 1936.* In January 1936, the new session of Congress convened and the administration asked for a new neutrality law, to replace the one that would expire at the end of February; the President wanted revisions that would allow greater executive discretion in the matter of embargoing materials other than direct implements of war when they were shipped in amounts greater than were normal in peacetime. Debate dragged on and prevented action, except that at the end of February the old law was extended to May 1937, with three amendments: (1) there should be no loans to belligerents—a largely superfluous provision in the light of the Johnson Act of 1934;¹⁶ (2) the mandatory arms embargo was extended to states that joined a

neutrality legislation after 1935 is conveniently traced by Allan Nevins and Louis M. Hacker in *The United States and Its Place in World Affairs, 1918-1943* (Heath, 1943), Chapters 27, 28, 31, and 32. See also Thomas Bailey, *Diplomatic History of the American People* (Macmillan, 3rd ed., 1946), pp. 740-803; R. L. Buell, *Isolated America* (Knopf, rev. ed., 1940), especially Chapters 4 and 8-11. One should not forget the excellent series of volumes published annually by the Council on Foreign Relations, New York, under the title *The United States in World Affairs*; each volume of the series traces the events of the year concerned as they affect American foreign relations.

¹⁵ U.S. Department of Commerce figures showed a 600 percent increase in shipments of oil to Italy in 1935 as compared with the same period a year earlier. There were also large increases in shipments of other commodities, notably cotton. See the *New York Times*, Nov. 6, 1935.

¹⁶ Sponsored by Senator Hiram Johnson (Republican, California) as an expression of national displeasure over the nonpayment of European World War I debts to the United States, this act forbade further loans to any nation in default on its earlier loan obligations to the United States. 31 USC 804a.

war after it started and thus might interfere seriously with League of Nations military sanctions, if they had been applied; and (3) American states at war with non-American states were exempted from the operation of the act unless they were cooperating with non-American states in the war.

➤ *Civil War in Spain.* Thus another stopgap was enacted to meet a new situation, but within six months a new and unforeseen situation arose: the Spanish civil war.¹⁷ The existing neutrality legislation had no provision for such eventualities as civil wars, and thus shipments of any materials to both warring factions were quite legal, although the government did apply moral suasion in an attempt to prevent as much of the trade as possible. When Congress convened in January 1937, it refused to allow the President discretionary power to distinguish between civil wars in which an embargo might be appropriate and mere insurrections in which it would not; Congress was itself unable to formulate any better rule than that contained in the joint resolution of January 1937 forbidding the export of munitions specifically "for the use of either of the opposing forces in Spain." Again the moral (and ultimately very practical) question of giving aid to victims of aggression was side-stepped in favor of maintaining our isolation: what went on elsewhere in the world, we fatuously deceived ourselves, was of no concern to us. We took the same position as did a Canadian official who, on another occasion, had said: "We live in a stone house far from any fire."

➤ *Neutrality Act of 1937.* On May 1, 1937, when the 1936 act was about to expire, a "permanent" neutrality act was put on the books, providing that: (1) a mandatory embargo be placed on shipments of arms, munitions, and implements of war; (2) no loans be made to belligerents; (3) civil wars be covered; (4) no American travel on belligerent ships be allowed; (5) the arming of American merchant ships be prohibited; and (6) the now famous "cash-and-carry" articles be instituted, to the effect that nonembargoed shipments could not be carried in American ships and could not leave the United States until they had been paid for.¹⁸ The last-named provision was to be in force only until May 1, 1939. The entire law was based on the unproved assumption that wars would pass us by if enemy torpedoes sank ships the cargoes of which had ceased a few hours or a few days previously to be our property.

➤ *Sino-Japanese War, 1937.* Although Americans loudly disclaimed interest in the moral problems involved in giving or withholding aid to an aggressor, their consciences were not quite dead. Thus when, in the summer of 1937, the Japanese renewed their Chinese "incident," which had begun six years earlier, American sentiment was overwhelmingly pro-Chinese, although

¹⁷ See R. L. Buell, "U.S. Neutrality in the Spanish Conflict," *Foreign Policy Reports*, Nov. 15, 1937.

¹⁸ See R. L. Buell, "The Neutrality Act of 1937," including the text of the Act, in *Foreign Policy Reports*, Oct. 1, 1937.

not sufficiently so to cause adoption of the oft-made suggestion that we embargo the shipment to Japan of the great quantities of scrap iron that country was purchasing from us and using ultimately in anti-Chinese military actions. We did not recognize officially the existence of a state of war in China, as this recognition would have necessitated invocation of the Neutrality Act and its arms embargo; furthermore, the cash-and-carry provisions would have effectively aided Japan, with its large merchant marine, while damaging China's chances. Thus was the law effectively nullified, and thus did we continue to sell arms to the Japanese with which to kill our friends the Chinese. It is small wonder that many Chinese questioned the sincerity of our friendship. It would be interesting to know how much of that American scrap iron was returned to us in altered form at Pearl Harbor on December 7, 1941.

➤ *1939 Lull.* Thus matters stood at the opening of the fateful year 1939. We were determined, officially at least, that Europe's wars and other troubles were none of our concern and that we would not allow ourselves to become involved in them, regardless of either moral issues or our own long-range interests. We refused to realize that foreign wars might affect us or that our recent experience with neutrality legislation had not yielded very impressive results. Yet, in spite of the official attitude, the feeling was growing that certain nations were our friends and that others imperiled our interests; we rather wished to help the former, although at no risk to ourselves. There was, however, a complication: the cash-and-carry law, which allowed us to aid some nations without pain and with profit to ourselves, would work to the advantage of our friends in Europe, but also to the advantage of our enemies in the Far East. Congress and public found no escape from the horns of this dilemma, and on May 1, 1939, the cash-and-carry provisions were allowed to expire. Congress sturdily refused to take action on the matter, serenely confident that war would not come. Senator Borah, ranking minority member of the Senate Foreign Relations Committee, pontifically stated that his sources of information showed conclusively that war was not imminent, advices from the State Department to the contrary notwithstanding.

➤ *Neutrality Act of 1939.* The perversity of the Nazis in starting a war despite Mr. Borah led to the calling of a special session of Congress; it passed a new neutrality law, which took effect on November 4, 1939. This act (1) forbade loans to belligerents, American travel on belligerent ships, and the arming of American merchant ships; (2) dropped the arms embargo altogether; (3) revived cash and carry and applied it to the shipment of all types of goods, munitions and others; and (4) allowed the President to proclaim "combat zones," into which United States ships, aircraft, and citizens could not go. This law was notable for several reasons, not the least of which were these two: we abandoned our traditional claims to neutral rights and freedom of the seas, and we played fast and loose with the English language. To call this a "neu-

approved by the President on March 11, this act gave the President sweeping powers to manufacture or otherwise procure "... any defense article for the government of any country whose defense the President deems vital to the defense of the United States," and further empowered him to "... sell, transfer title to, exchange, lease, lend, or otherwise dispose of, to any such government any defense article" after consultation with the uniformed chiefs of the army and navy.

➤ *Other Events of 1941.* In April 1941, there followed the agreement with the Danish government in exile by which the United States obtained the right to build and maintain military installations on the strategically located island of Greenland.²⁴ In May the President proclaimed an "unlimited national emergency," which required that "... military, naval, air and civilian defenses be put on the basis of readiness to repel any and all acts or threats of aggression directed toward any part of the Western Hemisphere"; on the evening of the same day he delivered a radio address, in which, after noting that the war "... is coming very close to home" he made the following significant statement:

... from the point of view of strict naval and military necessity, we shall give every possible assistance to Britain and to all who, with Britain, are resisting Hitlerism or its equivalent with force of arms. Our patrols are helping now to ensure delivery of the needed supplies to Britain. All additional measures necessary to deliver the goods will be taken.²⁵

In July the government of Iceland agreed to the stationing of American troops there for defense purposes.²⁶

➤ *The Atlantic Charter.* August was a busy month: the draft law was extended, although only by the now famous margin of one vote in the House; and on August 12 the "Atlantic Charter" was signed by Churchill and Roosevelt, who had met at sea off the coast of Newfoundland. The Charter is especially interesting in the present context. It is rather difficult for one to take literally the American assertion of neutrality while reading in the Charter that Roosevelt's and Churchill's "countries seek no aggrandizement, territorial or other," in the current war; it would seem superfluous for a neutral to disavow territorial ambitions. But of course the practical, although not the legal, fact of the matter was that neutrality was fast disappearing in the developing events of the war. The whole tone of the Charter was that of a declaration of war aims by two allies, which in fact it was.²⁷

➤ *Acts of War.* In view of such events, it is hardly surprising that several skirmishes took place between German and American ships. In September

²⁴ *Docs. Am. For. Rels., 1940-1941*, pp. 228-239.

²⁵ The text of the speech is in *Docs. Am. For. Rels., 1940-1941*, pp. 48-58; the text of the proclamation is in *ibid.*, pp. 754-756.

²⁶ *Docs. Am. For. Rels., 1941-1942*, pp. 453-458.

²⁷ The text of the Charter is in *Docs. Am. For. Rels., 1941-1942*, pp. 209-210. The story of its negotiation is told by Sumner Welles in *Where Are We Heading?* (Harper, 1946), Chapter 1.

trality" act not only violated the meaning of the word but was downright deceitful. It is true that our impartiality (which is an important element of neutrality under international law) was maintained to the extent that we offered to sell, cash and carry, to any purchaser, be he Briton or Berliner. But obviously only the British had the navy, the merchant marine, and the gold or dollars that were in effect demanded by the Act as a prior condition of sale. Thus Britain alone was in a position to pay cash on the barrelhead and carry away her purchases in her own bottoms. It was no accident that the new law favored Britain; it was planned that way. In a certain highly technical sense we preserved our neutrality for two anxious years; but actually we were "neutral against Germany," and the world knew it.¹⁹

➤ *"Belligerent Neutrality."* There followed a period that may well be described as one of "belligerent neutrality." The name is paradoxical, but so was our policy. While maintaining a pretense of neutrality, we actually leaned more and more openly and avowedly toward the camp of Britain; the sham was preserved until "the day that will live in infamy," December 7, 1941. By mid-1940 there was much American industrial activity in the production of planes and other war supplies for England; in September 1940 came the famous "destroyers for naval bases" deal;²⁰ in December 1940 a number of old merchant ships were sold to Britain; on December 29, 1940, Roosevelt in a speech avowed that our national policy was directed solely toward keeping "war away from our country and our people." The most-quoted portion of this speech, however, was in a different vein: "We must be the great arsenal of democracy. For us this is an emergency as serious as war itself. . . . We have furnished the British great material support and we will furnish far more in the future."²¹

➤ *Lend-Lease.* The year 1941 brought several developments in the direction of aid to Britain, although officially we were still neutral, as had been proclaimed by the President on September 5, 1939.²² Of these events by all odds the most important prior to the Pearl Harbor attack was "An Act to Promote the Defense of the United States," better known as the Lend-Lease Act.²³ As

¹⁹ The texts of the 1939 neutrality act and of proclamations and statements pertaining to it will be found in *Docs. Am. For. Rels., 1939-1940*, pp. 629-697. Further documents concerning blockades, contraband, and naval incidents of this period will be found in the same volume, pp. 697-728.

²⁰ Accomplished by an exchange of notes between President Roosevelt and the British ambassador on September 2; the United States turned over fifty World War I over-age destroyers, and the British agreed to the establishment of American naval and air bases in Newfoundland and Bermuda and authorized the ninety-nine year leasing of additional naval and air bases in the Bahamas, Jamaica, St. Lucia, Trinidad, Antigua, and British Guiana. Thus Britain increased her depleted naval strength and the United States gained added security for its east coast and Panama Canal. See *Docs. Am. For. Rels. 1940-1941*, pp. 203-227.

²¹ *Docs. Am. For. Rels., 1940-1941*, pp. 17-26.

²² The text of the neutrality proclamation is in *Docs. Am. For. Rels., 1939-1940*, pp. 629-638.

²³ The text and supporting documents are in *Docs. Am. For. Rels., 1940-1941*, pp. 711-736.

1941, an American destroyer was attacked by torpedoes in the North Atlantic, and it counterattacked the firing submarine with depth charges; one week later President Roosevelt ordered naval vessels to "shoot at sight" if "Axis pirates" were sighted in the American neutrality zone.²⁸ In October, two more American destroyers were attacked by submarines, with the loss of eleven lives in one instance and ninety-six in the other. This was indeed a strange neutrality. Finally, on November 17, 1941, came the logical culmination of this long series of episodes; the President approved a law, which Congress had passed at his suggestion, amending the 1939 neutrality act by deleting the important provisions that had forbidden the arming of merchant ships and their delivery of our goods to war-zone ports.²⁹ Within three weeks came the Japanese attack at Pearl Harbor, and all thought of even pretending to be neutral simply evaporated.

It is obvious that neutrality legislation, as we conceived and applied it, did not succeed in its prime purpose of permitting us to continue to sit on the side lines of the war; whether it could have been differently conceived and applied will doubtless long be debated.³⁰ It seems, in any case, that by 1941 it had become clear to a great many Americans, and certainly to the President and State Department, that any talk of real neutrality was folly. In actual operation, real noninvolvement by this country would in all probability have permitted the conquest of the British Isles by the Nazis, and this, together with their other successes, would have given them control of the European continent and of the North Atlantic. It is difficult to conceive of any development of that situation which would not have been utterly destructive not only of American trade but of the very life and independence of Americans. William Allen White had, in the prewar years, organized a "Committee to Defend America by Aiding the Allies"; although he was bitterly fought at the time by isolationist compatriots, hindsight would seem to indicate that Mr. White had chosen his title well. The time had come when the United States could no longer live to itself alone, as it had in the eighteenth century, and when it needed to cultivate allies as a matter of protecting its own interests. This fact was illustrated again by one of the most momentous peacetime developments in our foreign policy: the negotiation and implementation of the North Atlantic Treaty.

THE NORTH ATLANTIC TREATY

The negotiation in 1949 of the North Atlantic Treaty was a momentous development, because, at least for the time and area covered by it, American

²⁸ *Docs. Am. For. Rels.*, 1941-1942, p. 100.

²⁹ *Docs. Am. For. Rels.*, 1941-1942, pp. 23-27, 101-106, 112.

³⁰ A forceful expression of the opinion that we could have and should have remained neutral in fact is found in E. M. Borchard and W. P. Lage, *Neutrality for the United States* (Yale University Press, 2nd ed., 1940). See also C. A. and M. Beard, *America in Midpassage* (Macmillan, 1939), Vol. I, pp. 475-500.

isolationism and neutrality were shoved to one side and largely forgotten. It has been noted that the United States has never pretended to isolate itself from the affairs of Latin America or the Far East. Such insularity as remained in our policy *vis-à-vis* Europe by 1949 was dealt the *coup de grâce* by the conclusion of the North Atlantic Treaty.

➤ *Earlier Alliances.* It is a fair generalization that national policies do not appear suddenly, without preparation or warning, and this was certainly true of the North Atlantic Treaty. Our cooperation with Britain and the other Allies in World War II and our sponsorship of the United Nations organization were powerful indications that in the 1940's Americans and their policy-making leaders were not inclined to "return to normalcy" after World War II, as Harding had attempted to do in the 1920's. Several other events were indicators of a changed atmosphere.

➤ *The Rio Pact, 1947.* A significant illustration of the new trend was the negotiation, through the Organization of American States, of the Rio Pact of September 1947, which became effective two years later, upon the deposit of ratifications of two thirds of its signers. As will be indicated in a later chapter, the twenty-one American republics had long been fumbling toward some measure of political "continental solidarity"; one step in this direction had been the wartime alliance provided by the Act of Chapultepec (1945), which was extended on a peacetime basis by the 1947 Rio treaty. The latter, in its most important sections, not only provided for consultation of the American republics in case of a threat to the peace of this hemisphere but went on to the pledge:

The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.³¹

The Rio Pact was not a watertight military alliance; although it adopted in general the all-for-one-and-one-for-all principle, it did not specifically commit nations to bring military action to bear in defense of an attacked state. Nevertheless it was a recognition of the collective-security idea: that peace is indivisible, and that unless law-abiding nations assist one another an aggressor may be able to pick them off one by one, as Hitler did prior to September 1939. That this concept should be taking root in the United States was a significant indication of our new international stature; we were no longer the isolated little

³¹ See Marina Salvin, "The North Atlantic Pact," *International Conciliation*, No. 451 (May 1949), for background information and an analysis of the Atlantic Pact; pp. 440-446 present a useful chart comparing the relevant provisions of the Rio, Brussels, and Atlantic pacts. The quotation above is on pp. 443-445. *International Conciliation* is a highly useful monthly pamphlet series issued by the Carnegie Endowment for International Peace, in Washington. (In future the series will be cited as *Int. Concil.*)

nation of the eighteenth century but the powerful and maturing leader of the twentieth. An eminent American, Benjamin Franklin, had expressed the sense of the collective-security idea in another context long ago, when he said: "We must all hang together, or most assuredly we shall all hang separately."

➤ *The Brussels Pact, 1948.* Although in March 1947 the United Kingdom and France had signed the "Dunkirk Treaty," which provided for automatic military and other mutual aid in case of any renewal of German aggression within the next fifty years, far more important was the noted Brussels Pact of May 1948, signed by Britain, France, and the "Benelux" powers—i.e., Belgium, the Netherlands, and Luxembourg. This pact too provided for consultation in the event of a threat to the peace, but it established a much stronger alliance than did the Rio agreement:

If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power.

Thus there was a definite commitment to give military aid, not merely to undertake to help in some manner which might or might not, according to the discretion of the aiding state, include armed assistance.

➤ *The Vandenberg Resolution, 1948.* A brief resolution was proposed in the Senate just two days after the announcement of the conclusion of the Brussels Pact. It bore the name of Senator Vandenberg, of Michigan, who was then chairman of the Senate Foreign Relations Committee and who, although a staunch Republican, had for some time been the outstanding congressional exponent of the bipartisan foreign policy. At first glance unexceptional, the resolution nevertheless impelled the State Department to refer to it as a "new departure in American foreign policy," because it proposed in effect that "... for the first time in the nation's history the United States associate itself in peacetime with countries outside the Western Hemisphere in collective security arrangements designed to safeguard peace and to strengthen our own security."³² The resolution dealt with half a dozen subjects relating to the UN and peace, but most important were those sections in which it was declared to be the sense of the Senate that this government should pursue the policy of progressively developing regional or other treaties for individual and collective self-defense, and that the government should make clear its intention of exercising its right of individual and collective self-defense under Article 51 of the UN Charter "should any armed attack occur affecting its national security."³³

³² *Foreign Affairs Outlines, Building the Peace*, No. 19, Spring 1949, p. 1.

³³ S. Res. 239, 80th Congress, 2nd Session; approved June 11, 1948, by a vote of 64 to 4. The dissenters were Senators Pepper (Dem.-Fla.); Langer (Rep.-N. D.); Taylor (Dem.-Idaho); and Watkins (Rep.-Utah). The text of the resolution is in the *New York Times*, May 20, 1948, pp. 1, 6; also in *Docs. Am. For. Rels.*, 1948, pp. 583-584.

This was only an expression of opinion by the Senate; it was not a law and did not bind anyone to do anything. It was nevertheless of extreme significance, for the Senate, whose isolationism in 1919-1920 had kept it from approving the League of Nations Covenant, was now going on record by the overwhelming vote of 64 to 4 as favoring our joining with other countries in alliances something like those which the Rio and Brussels pacts had established for other areas. The old-time isolationist had hit the sawdust trail and was in effect saying that the nation's security demanded alliances.

The reason for the Vandenberg Resolution was clearly stated in the report on it made by the Senate Foreign Relations Committee:

The committee is convinced that the horrors of another world war can be avoided with certainty only by preventing war from starting. The experience of World War I and World War II suggest that the best deterrent to aggression is the certainty that immediate and effective countermeasures will be taken against those who violate the peace. . . . By reaffirming now its allegiance to [the principle of individual and collective self-defense] the United States would take an important step in the direction of removing any dangerous uncertainties that might mislead potential aggressors.³⁴

In somewhat less formal language the argument is essentially this: Prior to the German invasion of Poland, in 1939, Hitler was firmly convinced that the "effete democracies" would only protest diplomatically against his territorial conquests, that they would not act, either alone or in conjunction with one another. He put this theory into practice and found that, for a time at least, it worked. In 1935, for example, his troops marched into the legally demilitarized zone of the Rhineland with secret orders in their commanders' pockets to retreat at once if the French showed signs of resistance; but of such signs there were none, and the bluff succeeded. It was not until the invasion of Poland that the "decadent democracies" finally stiffened, ceased appeasement, and called a halt, but by then it was too late to prevent a war. Now, said the Senate committee, let us put on record at the outset that we wish to ally ourselves with other democracies, and that we will not permit ourselves to be pushed around by any "potential aggressor." That aggressor was not officially named, but under the circumstances it could have been no country other than the Soviet Union, which had lately been busily extending and consolidating its power behind the Iron Curtain in eastern Europe.

The Senate's motives in adopting the Vandenberg Resolution rested upon America's interest in its own long-range defense. This interest was aptly characterized in 1951 by Secretary of State Acheson, when he testified before the House Foreign Affairs Committee:

. . . in the world in which we live, no national defense policy can ensure security unless the nation has strong and reliable friends and allies.

³⁴ Senate Report No. 1361, to accompany S. Res. 239, 80th Congress, 2nd Session, p. 2.

We cannot afford to underestimate the importance of our friends and allies to our own security. The United States is a rich and powerful Nation. We have an energetic, courageous, and resourceful population, . . . The United States occupies a favorable geographical position. Its total strength, actual and potential, is perhaps greater than that of any other country in the history of mankind.

And yet no nation, including our own, is strong enough to stand alone in the modern world . . . we are not self-sufficient. Our population is limited in numbers. We are dependent on other areas for many vital raw materials. The oceans which have shielded us in the past have dwindled to lakes in the sweep of modern technology. Even our unparalleled industrial establishment, mighty as it is, could not match the industrial power which would be leveled against us if a major part of the free world should be incorporated within the Soviet empire . . . we could not continue to be the kind of country we are, if we were to withdraw into a cave of isolation. . . .³⁵

➤ *Negotiation of the Atlantic Pact.* The Senate has traditionally been the major hurdle, if not the death trap, for treaties involving any considerable measure of international cooperation, and once it had given advance approval to a collective-security pact the administration could breathe easier and enter into negotiations without the feeling of futility that otherwise would have pervaded such discussions. Many diplomatic conversations were carried on during the following several months. The administration on several occasions went out of its way to promote the concept of the Atlantic pact, as in President Truman's budget message and his inaugural address in January 1949 and in a lengthy "policy statement" issued by the State Department on January 14, 1949.³⁶ A treaty was obviously taking shape, but its detailed contents were not announced until the middle of March.

Two major policy decisions had to be made: one concerning membership in the alliance and one concerning the exact nature of the mutual guarantees that the contracting parties would make. The membership came to consist basically of twelve nations, mostly democracies and with one exception lying on or near the North Atlantic: the United States, Canada, the United Kingdom, the Netherlands, Iceland, Norway, Denmark, Luxembourg, Belgium, France, Portugal, and Italy; Greece and Turkey were added in 1951-1952, and the

³⁵ *Department of State Bulletin*, July 9, 1951, pp. 47-48. Secretary Acheson was testifying here in defense of the Mutual Security Program, but his sentiments applied equally to the North Atlantic Treaty. The Counselor of the Department of State, in an address on the Atlantic Pact on Jan. 28, 1949, argued for it on the following grounds: "It is important to note that while this step is taken to assure western Europe against the immediate threat of aggression and to allay fears that might impede recovery, it is not less an attempt to safeguard the long-term security of the United States. History in two world catastrophes has driven home to us the lesson that the security of the North Atlantic area is vital to the security of the United States. . . ." *Docs. Am. For. Rels.*, 1949, p. 16.

³⁶ This statement is reprinted in the *New York Times*, Jan. 15, 1949, pp. 1, 7. See also the text of the State Department's "white paper" on the Atlantic pact, *New York Times*, Mar. 20, 1949, pp. 26-27.

treaty's protection was in 1952 extended to the Federal Republic of Germany.³⁷ At first it was thought that the whole Scandinavian block (Denmark, Sweden, and Norway) might join, but intrabloc discussions showed that Sweden preferred to continue its traditional neutrality; however, Denmark and Norway joined, the latter despite strong diplomatic pressure from the Soviet Union, with which it has a common frontier. Portugal, although an utterly undemocratic dictatorship, was included because of its ancient ties of alliance with Britain and because of its strategic geographical position. Italy, although not an Atlantic nation, was included largely because of the desire to prevent it from falling into Communist hands, and because it anchors the line in central Europe beyond which it was hoped the westward spread of Russian domination could be denied.

Several of the signatories wished the operative clause of the Treaty to bind the member states, in case of attack upon one of them, to "take military and other action forthwith" to repel the invader. So tight an alliance, however, even if desirable on other grounds, was thought to have little chance of passing the United States Senate in spite of the latter's approval of the Vandenberg Resolution. Consequently the wording on this point was ultimately watered down to provide only the commitment to take, in case of attack, that action which the individual state deems necessary. Of this more later.

➤ *Ratification.* The Treaty was first unveiled to the public in March 1949. On April 4 there was a formal ceremony in Washington, at which time representatives of the twelve nations affixed their signatures; not long thereafter the Treaty was submitted to the United States Senate, which on July 22 approved it by a vote of 82 to 13. It was formally ratified by President Truman on July 25, 1949.

➤ *Provisions.* In essence the Treaty is an engagement for a twenty-year period by the twelve member states to settle disputes peacefully if possible, and by joint military and other action if not. Its heart is in the fifth article,

³⁷ Greece and Turkey were invited to accede in 1951; they accepted and were admitted as full members in 1952. Good accounts of the negotiation and problems of the Treaty will be found in *United States in World Affairs, 1948-49*, pp. 527-541; *ibid.*, 1949, pp. 75-84, 135-149; *ibid.*, 1950, pp. 118-133. By protocol signed at Paris on May 27, 1952, as part of the German peace settlement, the guarantees of the North Atlantic Treaty were extended to the members of the emerging European Defense Community (EDC), and at the same time EDC reciprocally extended military guarantees to the members of NATO. This was nothing new as far as concerned five of the six EDC nations (France, Belgium, the Netherlands, Luxembourg, and Italy), since they were already members of NATO; but the sixth EDC state—the German Federal Republic—by this action came within the NATO guarantees. These new arrangements were to come into effect simultaneously with the ratification of the EDC treaty also signed at Paris on May 27, 1952, which will be further discussed shortly. At the same time the wish was expressed that the duration of the North Atlantic Treaty might be extended to correspond to the fifty-year life of the EDC. The significance of these events of May 1952 clearly was the close integration of NATO with EDC and of West Germany with the free states of western Europe. The protocol to the North Atlantic Treaty extending protection to West Germany was approved by the United States Senate on July 1, 1952, by a vote of 72 to 5.

under which the parties agree "that an armed attack against one or more of them . . . shall be considered an attack against them all," and that if such an attack does come within the territorial area covered by the Treaty each will avail itself of the right of individual and collective self-defense authorized by Article 51 of the UN Charter and ". . . will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."³⁸ In order to avoid the appearance of by-passing the UN Council, the parties agree that any action taken under this clause shall be reported at once to that body and shall be terminated as soon as the UN shall have taken the measures necessary to restore peace. Since, as will be indicated later in a chapter on the Council, it has not yet been possible to organize the anticipated military force for international use, this provision is likely at least for the near future to remain inoperative. Under the sixth article,

. . . an armed attack on one or more of the Parties is deemed to include an armed attack on the territory of any of the Parties in Europe or North America, on the Algerian departments of France, on the occupation forces of any Party in Europe, on the islands under the jurisdiction of any Party in the North Atlantic area north of the Tropic of Cancer or on the vessels or aircraft in this area of any of the Parties.

Furthermore, provision is made for consultation among the signatories and for the creation of a Pact Council, composed of representatives of each, which shall have charge of the implementation of the Treaty.

➤ *Obligations Assumed by the United States.* When the text of the Treaty was first released, it was criticized on the ground that it constituted a military alliance pure and simple. In part this criticism was valid, but in part it was wide of the mark. It is true that there is an excellent likelihood that, if one member were attacked, at least some of the others would come to its assistance with actual military force. However, this is not necessarily so. It is the obligation of a member, in case of attack upon a colleague, to take forthwith "such action as it deems necessary, including the use of armed force."

³⁸ The text of the Treaty is available in Marina Salvin, *op. cit.*, pp. 425-427; also, together with numerous supporting documents, in *Docs. Am. For. Rels.*, 1949, pp. 595-632. Certain periodical articles are of especial merit and should be consulted: Vera M. Dean and Blair Bolles, "The North Atlantic Defense Pact," *Foreign Policy Reports*, Feb. 15, 1949; pp. 1-16, and "Regional Pacts: Strong Points or Storm Cellars?," *Foreign Affairs*, Apr. 1949, pp. 351-368; Blair Bolles, "NATO—An American View," *International Journal*, Autumn 1951, pp. 281-291, and Kingsley Martin, "NATO—A British View," *loc. cit.*, pp. 292-299; Grayson L. Kirk, "The Atlantic Pact and International Security," *International Organization*, May 1949, pp. 239-251. The latter is a thoughtful analysis of the pact, which comes to a somewhat pessimistic conclusion as to its probable effects. *International Organization* is a most useful quarterly published by the World Peace Foundation in Boston. It is valuable for its signed articles, its documents, and its summaries of the activities of a wide range of international organizations. (It will henceforth be cited as *Int. Org.*)

Thus it is entirely conceivable that action other than military action may be taken; indeed, in the case of Iceland, which has no army, military action could not possibly occur. But there are many other ways of assisting a victim of aggression: instituting economic sanctions, permitting the use of military bases, and providing ships, food, and many other necessities. Legally, at least, whatever the moral obligation may be, each signatory is free to determine within a wide latitude what action it will take in the event of an attack upon a cosigner. It is further to be remembered that there are strict geographic limits to the commitments assumed by members of the alliance.

► *Implementation.* If states were to be allied for mutual military protection over a large area, vast quantities of arms would be essential, and given the European conditions of 1949 they manifestly would not be available in sufficient quantity. Foreseeing this, the signatories provided that "... by means of continuous and effective self-help and mutual aid, [they] will maintain and develop their individual and collective capacity to resist armed attack." Practically speaking, this provision indicated the beginning of a postwar "lend-lease" program. The United States therefore inaugurated a "Mutual Defense Assistance Program" (MDAP), which was not a part of the Treaty itself, but supplemented it.³⁹ Financial requests were submitted to Congress at about the same time as the Treaty went to the Senate; they called for the authorization of about one billion dollars' worth of military equipment and supplies to be shipped to the allies within the Treaty's first year of life. As the program was approved, much of the initial expense would not be out-of-pocket, but would be in the form of release to the other members of surplus stocks of American World War II equipment.⁴⁰ Thereafter sizable direct financial outlays were made.

A far more complicated problem than the foregoing arose: if twelve (or more) states are banding together for mutual military assistance, advance planning is imperative on how they are going to coordinate their armed forces. This planning task was soon given to the Atlantic Pact Council and to Defense and Military Committees which it set up.⁴¹ By 1950, agreements were reached in principle that, instead of each power's maintaining its own separate army, navy, and air force, integrated forces would be created to which each country would make that type of contribution for which it was naturally or industrially best fitted. This procedure would work in the direction not of twelve armies, navies, and air forces, but of one composite force for each of the three branches.

³⁹ See Robert H. Connery and Paul T. David, "The Mutual Defense Assistance Program," *American Political Science Review*, June 1951, pp. 321-347.

⁴⁰ See the "Mutual Defense Assistance Act of 1949," approved Oct. 6, 1949, Public Law 329 (H.R. 5895), 81st Congress, 1st Session; *Docs. Am. For. Rels.*, 1949, pp. 626-632. The MDAP was later consolidated into the Mutual Security Program by law approved Oct. 10, 1951.

⁴¹ See the *New York Times*, Sept. 18, 1949, pp. 1, 3. See also George F. Eliot, "Military Organization Under the Atlantic Pact," *Foreign Affairs*, July 1949, pp. 640-650.

Assuming that this principle is carried through, it may well mean not only a more efficient and less costly military machine than would otherwise be available but also, what is in the long run far more significant, the beginning of true political union of the NATO states. If each is dependent upon the others for a large part of its military defense, it is actually linked to them far more closely than the terms of the alliance itself would lead one to expect.⁴²

The NATO powers proceeded to establish, in the Parisian suburb of Rocquencourt, Supreme Headquarters, Allied Powers, Europe, better known as SHAPE. SHAPE was officially under the command of General Dwight D. Eisenhower from April 1951 to June 1952, when he returned to the United States to enter the presidential campaign. His successor was another American, General Matthew B. Ridgway.

➤ *European Defense Community.* Not the least of the problems of European rearmament was that centering around the German Federal Republic. On the one hand it appeared that West German manpower and industry should be used in defense of the West; on the other, many, especially the French, were most apprehensive of a future in which Germany was again an independent military power. The dates 1870, 1914, and 1940 evoked no French desire for German rearmament.

In 1950 the United States altered its earlier policy and virtually demanded that West Germany be rearmed so that it could participate in European defense. The American position was that if German troops were integrated into a European army they could assist in joint defense, but that since they would be under international command they would present no uncontrollable threat to the peace of the continent. The Soviet Union objected most vehemently and sought by every means to prevent West German rearmament, ostensibly on the grounds that it would be designed for aggressive anti-Russian operations. Many western Europeans also were reluctant to rearm the Germans, under whatever conditions, but the United States was paying the piper, and so it called the tune.

Strangely enough the Germans themselves did not appear overjoyed at the prospect of a revived army. There were several reasons: the old Junker military caste, to which such a proposal might have carried especial appeal, was destroyed; the defeated Germans took the position that if the Allies wanted to occupy and govern them, they could also defend them; domestic politics entered the picture, in that when Chancellor Konrad Adenauer indicated his tentative approval of the idea he was immediately attacked by opposition parties, which made a practice of disapproving of anything he favored; and by no means least, the Germans were astute enough to recognize that they had something—military potential—which the Allies wanted, and that they would

⁴² On NATO arms integration, see *Int. Org.*, Aug. 1950, pp. 518-519; *ibid.*, Aug. 1951, pp. 631-632.

do well to play coy and exploit the bargaining power which thus fell their way to extract concessions from the occupying powers.

In spite of these and other difficulties, in mid-1951 the six major western-European nations—France, the Federal Republic of Germany, the Netherlands, Belgium, Italy, and Luxembourg—united in agreement to recommend creation of a unified European army under the European Defense Community (EDC). As will be later pointed out, such a development was in line with the creation of the European Coal and Steel Community (ECSC) by the Schuman Plan, the establishment of the Council of Europe, and the general idea of European unity. When the six nations came together in Paris in May 1952 to sign a definitive EDC treaty, which was part of the over-all German peace settlement, they stated in the preamble their consciousness “. . . that they are thus taking a new and essential step on the road to the formation of a united Europe.”⁴³

By this treaty of 1952 the six powers agreed, upon its ratification, to create a “. . . European Defense Community, supranational in character, consisting of common institutions, common armed Forces and a common budget.” The treaty carried detailed provisions for the organization of EDC: it covered troop contributions by all member nations; governing institutions; common uniforms, training, discipline, military schools, and financing; and the other myriad matters arising in so complicated a matter as the creation of one army from six.

The treaty prescribes close relations with NATO throughout. It will be remembered that five of the EDC states were already members of NATO, and that by this May 1952 settlement the NATO guarantees were extended to the German Federal Republic. The whole agreement, therefore, represented a device by which German (as well as other) troops would be integrated into a western-European army; this integration was promoted by the provision that the EDC troops should be under the authority of NATO's Supreme Commander. Furthermore, reciprocal military guarantees were exchanged by EDC and NATO, and England, although not a member of EDC, agreed that in case of armed attack on any EDC country, it would give all possible military and other aid, in return for a similar promise. The United States also, stressing its “abiding interest” in the strength of EDC, stated that it would regard any threat to the Community as a threat to itself. The EDC treaty was to be in force for a period of fifty years, and signatories recommended that the NATO treaty be extended to a corresponding length. It was further stipulated that new states might be permitted to join the alliance upon the unanimous consent of the existing members.

Furthermore, the EDC treaty was carefully geared to the European Coal

⁴³ The EDC treaty was signed May 27, 1952. Its text is printed, along with other documents bearing on the German settlement, in *Convention on Relations with the Federal Republic of Germany*, 82nd Congress, 2nd Session, Senate Executives Q and R (GPO, 1952), pp. 167-251.

and Steel Community treaty, by the arrangements that the same Court of Justice should serve them both and that ECSC's Assembly (legislative body) should, with the addition of three members each from Germany, France, and Italy, also be the EDC Assembly. When one reflects on the significance of NATO, ECSC, EDC, and the Council of Europe, it becomes apparent that by the middle of the twentieth century long strides had been taken in the direction of European unification.

➤ *Lisbon, 1952.* In early 1952 the NATO Foreign Ministers held a meeting at Lisbon at which they not only approved the EDC idea but also undertook to spend more than three hundred billion dollars during the following three years in improving their defenses. A total of fifty divisions under SHAPE command was set as the goal to be achieved by the end of 1952.⁴⁴ This figure is somewhat misleading, however, since it was specified to include reserves, and since most of the divisions would have less than full strength and would be incompletely equipped.⁴⁵ It would manifestly be some years before fifty full-strength divisions would be available, but the movement toward integration was proceeding as rapidly as could be hoped.

Many comparisons have been struck between the strength of NATO and the strength of the Soviet Union, a number of them to the advantage of the latter. Many have pointed the finger of alarm at the supposed 175 Soviet divisions under arms, even though most of them are smaller than the standard western division and many of them are under-strength divisions, and even though a defender does not necessarily need as much manpower as does an attacker. As for population, that of the USSR and its satellites far outnumbered that of the NATO states, which ran to only some 375,000,000. The disparity, however, was more apparent than real, since the NATO countries had not only the cream of Europe's mines and industry but also a better-trained if smaller pool of manpower. Without undue optimism, one could believe that the western nations would hold their own if a showdown came.

➤ *Future Prospects of the Treaty.* Whether the North Atlantic Treaty will have the effects intended is manifestly an open question. As early as 1950, however, there was some indication that it was having one such effect: observers reported a decline in Communist political strength in member countries. By 1951 the decreases in Communist-party membership were estimated at 30 to 65 percent in various countries.⁴⁶ Furthermore, it appeared that the Soviet Union was relaxing its diplomatic pressure on western Europe. On the other hand, the pressure was greatly intensified in the Far East, where the pact had no application. This led to increasing interest in the negotiation of similar regional

⁴⁴ *New York Times*, Feb. 24, 1952, pp. 1, E1.

⁴⁵ The lack of adequate arms for NATO divisions engaged in joint maneuvers led some one to refer to the war games as "Operation Venus de Milo"—no arms, but plenty of SHAPE.

⁴⁶ See "Strength for Free Europe," Dept. St. Publ. No. 4268 (GPO, 1951), p. 8.

⁴⁷ On a possible Middle East Command, see *Department of State Bulletin*, Nov. 19, 1951, pp. 817-818.

pacts, such as one for the Mediterranean.¹⁷ By 1951 the United States, incidentally to the conclusion of the treaty of peace with Japan, negotiated a three-power Pacific pact with New Zealand and Australia.

➤ *Significance of the Treaty.* Whatever may come of the North Atlantic Treaty in the long run, this much at least is certain: for its duration the United States is doing a rightabout-face from its isolationism of earlier times. Having learned the lessons of two world wars, and under the pressure of events since 1945, the United States has officially decided that it cannot hope to remain at peace when any considerable part of the rest of the world is at war, and that if neutrality is not feasible the only reasonable alternative is international political and military cooperation to provide individual and collective security. The "detached and distant situation" of 1796 has disappeared forever. The weak and struggling nation of the Atlantic seaboard has become a major world power. The isolationist policy that well fitted that situation has given way to a policy in which the United States, in the middle of the twentieth century, finds itself allied with European countries through the North Atlantic Treaty, with Latin America through the Rio Pact, and with Japan, the Philippines, Australia, and New Zealand in the Pacific.

Next we shall turn our attention to a survey of American actions and policy toward the European continent since 1945. It will be obvious to all that the old concept of isolationism has little relevance to this period. During these years there has arisen that neither-peace-nor-war condition which we have come to call the Cold War, in which the United States, as befits its station in life as a Great Power, has necessarily assumed a position of prime leadership. In the following three chapters our discussion will first center on our relations with England and western Europe and then move eastward through the Balkans to the Soviet Union. As one reads these pages he would do well to keep in mind the truly amazing metamorphosis undergone by the United States, not only since its start in 1789 but since 1925 or 1930; it is one of the purposes of this volume to develop a consciousness of the position of international leadership to which we have fallen heir during these years and of the responsibilities that it entails.

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➤ *The 1946 Loan.* Although Britain and her colonies and dominions had received the lion's share of lend-lease—over 60 percent of the total—and although that aid was bound to stop when hostilities ended, Britons read with shock, in August 1945, that President Truman had ordered the abrupt termination of the program.³ Soon talk was heard of a peacetime loan, and late in the same year a British delegation came to Washington to negotiate it.

Discussions were long and involved, but in early December agreement was reached between the diplomats; shortly thereafter the contract was approved by the British government, but not until July 1946 did President Truman sign the authorizing legislation, which Congress had taken its time in passing. Loan provisions were complex, but the major ones were these: the government of the United States would make credits available in the amount of 3.75 billion dollars, on which the British could draw within five years; starting in 1951 the loan would be repaid in fifty equal annual installments; it would bear 2-percent interest.⁴ It was anticipated that this amount, together with a loan of 1.25 billion dollars from Canada, would tide Britain over the postwar economic hard times. As a matter of fact it did not; it was drawn on much faster than was expected, partly because of the abnormal needs occasioned by the very severe winter 1946-1947, and partly because with the removal of American price control the cost of the things bought with the loan increased so rapidly that the Chancellor of the Exchequer estimated the effective purchasing power of the loan to have dropped by almost one fourth before it was all spent.

➤ *Other Anglo-American Interests.* The loan has of course not been the only point of contact between the governments of the United States and the United Kingdom since 1945. Other matters of importance to both were the Marshall Plan and the subsequent Mutual Security Program; the whole series of problems arising in the forum of the United Nations; the British relinquishment of leadership in Greece and Palestine in 1947; the questions arising from occupation of Germany and Austria and the negotiation of peace treaties with the defeated Axis and its satellites. These affairs are dealt with elsewhere in this volume and need not be more than noted here.

➤ *Transfer of Leadership.* Doubtless the most important single fact in recent Anglo-American relations is the one to which reference is so often made: the transfer of leadership of the Western world from Britain to the United States. This transfer has been productive of widespread misunderstanding but

³ *Docs. Am. For. Rels., 1945-1946*, pp. 126-127.

⁴ There is a good discussion of the loan provisions in *United States in World Affairs, 1945-47*, pp. 358-369; see also Judd Polk and Gardner Patterson, "The British Loan," *Foreign Affairs*, Apr. 1946, pp. 429-440. The text of the loan agreement, with supporting documents, will be found in the Senate Committee on Foreign Relations' *A Decade of American Foreign Policy, Basic Documents, 1941-49* (GPO, 1950), 81st Congress, 1st Session, S. Doc. 123, pp. 735-744. (Henceforth this volume will be cited as *Decade of American Foreign Policy*.)

it is nevertheless most significant. Another important fact in their recent relations is that these two countries have not been mutually antagonistic, as one might suppose they would have been; on the whole they have cooperated closely, because of their similar aspirations for peace and adherence to democracy and because the political and economic systems of both have been under consistent Russian attack.

FRANCE

➤ *Postwar Problems.* Many of the problems besetting the English after 1945 had their counterparts across the Channel, in the form of manpower and industrial losses resulting from the war, difficulties in finding gold to pay international debts, and overseas colonies wherein nationalistic feelings sought outlet in independence movements.

Dissimilarities there were too. One of them related to the issue of domestic communism. Whereas Communist members of the British House of Commons were inconsequential in influence, in the French legislature Communists were most vociferous and numerous; in the November 1946 elections the French Communist party emerged as the strongest single party, polling 27 percent of the total vote. This would have been disturbing in any case, but it was especially so because the Communists controlled the major French labor organization, the General Confederation of Labor. Solution of the problems of governmental reconstruction, inflation, and unemployment was made particularly difficult under these conditions.

➤ *Franco-German Relations.* To many Americans, the French fear of Germany seemed an irrational obsession. But the Frenchman looked at the situation approximately as follows: there were 50 percent more Germans than French, and even the truncated West German Republic was greater by several millions than its major neighbor to the west. In peacetime the Germans could outproduce the French, and in wartime they could outfight them. Three German invasions since 1870 were proof enough of the aggressive intentions of the Germans, and no French government could expect to stay long in power if it did not bend every effort toward keeping Germany weak. Consequently French policy concerning Germany after 1945 called for detachment of several key areas (especially the Saar and the Rhineland), destruction of the industrial resources of the Ruhr, prohibition of any German armed force, and organization of the German government on the basis of the weakest possible confederation. On several counts this policy conflicted with that of the United States, and more often than not the resultant settlement reflected more nearly the desires of the latter than of the former. France, although a "Big Power" for UN purposes, was forced to yield to superior strength, since it lacked the political, industrial, and military strength of a truly front-rank nation. France was therefore happy

in 1947 to conclude the Dunkirk Treaty with England, by which the two joined forces in a defensive military alliance against the possibility of renewed German aggression within the coming fifty years.

As we shall see later, in the discussion of Germany since 1945, a basic problem demanded solution: what should be done about German heavy industry? The initial French impulse was to dismantle it, but the British and Americans, who were bearing the main load of supporting the defeated enemy, came by 1947 to the conclusion that Germany must be allowed to produce enough to support itself. The fear that if industrial capacity were to be raised it might be perverted to wartime production kept many a Frenchman awake nights. As far as the Ruhr area was concerned, agreement was finally reached on the creation of an international authority that could allocate steel and coke production; but this step did not touch the fundamental problem of ownership and control of these industries. Although the French would have liked to see the Rhineland detached from Germany altogether, they had to abandon this dream. They did, however, align the Saar with France in such a way that, although it was nominally independent, it was clearly in the French economic orbit.

➤ *The Schuman Plan.* In spite of the fundamental anti-German bias of the French, their leaders on more than one occasion after 1945 offered truly statesmanlike suggestions of cooperation. For example, two proposals were made, although not accepted, which indicated deep thought on the French side and possibly a willingness to bury the ancient hatchet: one would have provided a Franco-German customs union, and the other would have encouraged large numbers of Germans to emigrate to France. France's major contribution to postwar Europe, however, was the plan of her Foreign Minister, Robert Schuman, which was announced suddenly on May 9, 1950, and was immediately hailed by many Europeans and Americans as a stroke of sheer genius.⁵ It represented an application of the thought that the key to a secure peace in Europe was international control of coal and steel production. Schuman maintained that his plan would make a war between France and Germany "... not only unthinkable but in actual fact impossible."

The Schuman idea was worked out in France, proposed diplomatically to other nations, debated in conferences, and ultimately embodied in a treaty initialed in Paris in March 1951 by representatives of six key nations: France, Italy, West Germany, Belgium, the Netherlands, and Luxembourg, which together produced 48 percent of Europe's coal and 60 percent of its steel. Details were numerous and complicated, but fundamentally the treaty proposed the pooling of the coal and steel industries of the participating countries in a

⁵ One well-informed writer called the Schuman Plan "... unquestionably the most important and constructive idea to be produced in the free world in 1950. ..." Richard P. Stebbins, in *United States in World Affairs, 1950*, p. 141; see also *ibid.*, pp. 141-148.

"European Coal and Steel Community," the purpose of which would be to provide and maintain a single market for these two basic commodities.⁶

For years past, one of the major economic ills of Europe had been traceable to the high prices charged for iron and coal under the "double-pricing" system, which was commonly employed. Under this system, a German producer of coal, for example, would sell it to Germans at a given price per ton, but to foreign purchasers at prices considerably higher—often as much as 30 percent higher. The same practice was followed by other countries, and the result was artificially high prices. The Schuman Plan proposed that this policy be discontinued, and also that within the single market to be created there be abandoned all coal and steel tariffs, governmental subsidies, quantitative import limitations, and preferential freight rates. Thus could production be increased and all purchasers supplied without discrimination. This was not to be a cartel in sheep's clothing.

The draft treaty anticipated the establishment of considerable machinery: a High Authority, whose members would be chosen for their competence by participating governments; a Common Assembly, chosen by national parliaments, with power to review the actions of the Authority and by two-thirds vote to dismiss it; and a Court of Justice, to decide questions of law which might arise in the course of events.

The Schuman idea was truly grandiose, and it immediately appealed to many people. Chancellor Adenauer, of the West German Republic, spoke out for it; so did American Secretary of State Dean Acheson and ECA Administrator Paul Hoffman; the Strasbourg Assembly of the Council of Europe endorsed it. The treaty was submitted to national governments for ratification, and to the surprise of many it was ratified by all six signatories before the middle of 1952.

The major European producer of coal and steel, however, was absent from all these doings. The government of England had been approached when the Plan was first announced, but it had cautiously backed away from the whole project, partly because it was afraid that membership would interfere with Commonwealth ties, and partly because a Socialist government (led by Clement Attlee) questioned the advisability of this sort of cooperation with continental governments that were predominantly nonsocialist. England kept the door open for possible later adherence, but clearly did not wish to get in on the ground floor of the new project.

Economic and political weaknesses during most of the postwar period had prevented France from exerting the type of leadership expected of the nation in earlier decades. The announcement of the Schuman Plan, however, seemed to indicate a partial regaining of France's old initiative. If the Plan's numerous

⁶ Important excerpts from the treaty, which is very lengthy, may be found in *Int. Org.*, May 1951, pp. 422-431.

and very real difficulties could be worked out, this project might not only contribute mightily to Europe's economic stability but might be a long step in the direction of some sort of European political federation, in which, according to many statesmen, the hope of continental survival lay. ECA Administrator Hoffman and others of his organization had long been preaching "European integration," and since the Plan appeared to propose action along that line it received hearty plaudits from American officials, up to and including President Truman. The French Foreign Office said:

Europe . . . will grow out of concrete achievements that will make solidarity an actual fact. . . . In order to bring together the nations of Europe, the centuries-old hostility between France and Germany must cease to exist. . . . This proposal would lay the first real foundations of a European Federation, which is essential to the preservation of peace. . . .⁷

The Council of Ministers of the European Recovery Program countries stated:

The setting up of this powerful productive unit, open to all countries willing to take part, and eventually capable of providing all the member countries with the basic elements of industrial production on the same terms, will lay a true foundation for their economic unification.⁸

On the other hand, it was too early for any assurance that these hopes would all be fulfilled.⁹

➤ *Franco-Italian Customs Union.* One more attempt by France to work out her economic woes should be noted: the treaty of 1949 with Italy providing for a customs union and ultimately a far-reaching economic union of the two countries. This step was in line with the postwar American campaign for the reduction of barriers to international trade, and it was highly approved by United States policy makers.¹⁰

SPAIN

Spain and its dictator, Francisco Franco, have been in the international doghouse ever since that country's civil war of the late 1930's. The United States has generally taken the position that it would observe the correct diplomatic formalities in dealing with Spain, but it would not become chummy. This was because of our unconcealed dislike of Franco's reactionary regime, in

⁷ Quoted by Paul G. Hoffman, in *Peace Can Be Won* (Doubleday, 1951), p. 127.

⁸ *Docs. Am. For. Rels.*, 1950, p. 85.

⁹ For a warning against overoptimism concerning the Plan, see William Diebold, Jr., "Imponderables of the Schuman Plan," *Foreign Affairs*, Oct. 1950, pp. 114-129.

¹⁰ Since 1945 several customs unions have come into view. Perhaps the best known is that of "Benelux"—Belgium, the Netherlands and Luxembourg—effective at the beginning of 1948. Under consideration have been a union of Greece and Turkey and a union of Sweden, Norway, Denmark, and Iceland. For a time in 1946-1947 there was much talk of a Balkan confederation, but the quietus was put on the plan by Mother Russia, evidently in line if they maintained their individual positions.

had done much to further the cause of the Catholic church. American Protestants, on the other hand, alleged that their coreligionists in Spain were treated after the general fashion of the Christians in the days of the Roman catacombs. Some Americans desired friendlier relations with Spain for business reasons, although it was apparent to those well acquainted with its operations that the Spanish government was a corrupt bureaucracy that strangled all but the favored businesses and that severely discriminated against foreign capital.¹⁵

Possibly the most persuasive argument for closer relations with Spain came from American military men. They argued that we should collaborate or ally ourselves with Franco as a matter of strengthening our defense of western Europe and of the United States, and this point of view was far less easily dismissed than those just enumerated. It could be cogently maintained that Spanish ports and airfields would be exceedingly useful to the United States in the event of another war; that it would be worth much to an Anglo-American alliance to have control of Gibraltar in friendly or at least benevolently neutral hands; and that, if the events of the years following 1940 were repeated, a counterinvasion of the continent could be prepared and launched from behind the protection afforded by the Pyrenees bastion. One could question whether Franco would ever become anything more than a fair-weather friend, as he had proved to be to Hitler and Mussolini; still, he might conceivably be of great value if he were on the side of the West.

➤ *Political Dilemma.* The military argument at the very least merited a considered answer, and at best might be determining. The Department of State replied to the argument on this wise: Although there are obvious military benefits to be derived from an alliance or understanding with Spain, there are significant psychological drawbacks that must be balanced against them. For one thing, Franco is as much a fascist dictator as Hitler was, and therefore co-operating with him raises a moral issue. Secondly, if we ally ourselves with Spain, we are in effect assuming a defeatist attitude toward a possible Russian invasion of western Europe, and this is certain to depress the morale of those Europeans whom we are trying to encourage by the Marshall Plan and the North Atlantic Treaty. They will read into an American-Spanish rapprochement that we have abandoned hope of a successful defense of western Europe against Russia and therefore are preparing in advance to retreat behind the Pyrenees, from which position we could eventually sally forth to liberate France and the Low Countries. Remembering the devastation of 1944-1945, many a

¹⁵ For an example of extremely misleading pro-Franco propaganda, see the full-page advertisement in the *New York Times*, Jan. 4, 1949, p. 67, sponsored by the Spanish Office of Cultural Relations. It states, for example, that "In Spain there does not exist, what in other countries can be called a personal dictatorship, but rather a system of elective supreme power already constituted as a Kingdom. . . ." The half-truth is repeated that the revolution of 1936 came about because the existing Republican government was basically communistic.

Frenchman shook his head and muttered that he might be able to endure another war, but never another liberation.

An alliance with Spain might be justified on the grounds of expediency, but the question was: is pure expediency a firm basis for foreign policy? How far does one dare go in antagonizing presumably dependable allies in order to acquire another ally of very questionable dependability? Herein lay the dilemma facing the policy makers in the Department of State; they had to choose between two courses of action, and neither of them was wholly satisfactory.

➤ *Congressional Pressure.* Meanwhile some elements in Congress showed no disposition to permit the State Department to withdraw to its ivory tower and there ponder the question. In 1950 Congress ordered the President to loan 62.5 million dollars to Spain. Marshall Plan aid was never extended, but in 1951 the Mutual Security Act authorized (although it did not require) the President to expend 100 million dollars for military or economic aid to Spain. In the same year Admiral Forrest Sherman, then Chief of Naval Operations, journeyed to Spain for the reported purpose of concluding a deal for naval bases in return for American financial aid.¹⁶ Clearly the frigid anti-Franco policy of the United States was thawing, although this did not necessarily mean that we were prepared to go so far as warmly to embrace Francisco Franco.

➤ *United Nations Policy.* Meanwhile the United Nations also was turning a corner in its policy. In 1950 the Assembly rescinded most of the 1946 resolution referred to above. It did not admit Spain to UN membership, but it did lift the ban on Spanish participation in the specialized agencies, and it did retract the recommendation against the presence of ambassadors in Madrid, which was coming to be widely disregarded anyway, especially by several Latin American states which felt a cultural affinity with Spain.¹⁷ Policy in the UN was thus similar to that in the United States, and as a matter of fact the latter was prepared to go quietly along with the new UN policy.

➤ *Revised United States Policy.* It thus appeared that in the early 1950's the United States was assuming a more tolerant attitude toward Franco than had prevailed for fifteen years previously, but it was doing so reluctantly, under the pressure of the Cold War. Without liking Franco any better, we were coming to be somewhat attracted by his geographical position, as well as by his antipathy to Communism.

GERMANY

➤ *Plans for Peace.* When the climax of World War II came in Europe, on May 8, 1945, some planning—but not enough—had already taken place for the peacetime regime that should follow. The Allies had indeed in 1943 set up a

¹⁶ See *Department of State Bulletin*, July 30, 1951, pp. 170-171.

¹⁷ *Docs. Am. For. Rels.*, 1950, pp. 622-623.

European Advisory Commission for the purpose of harmonizing national policies; but, although it did some useful work, it could not be expected to coordinate policies that had been only imperfectly formulated by the responsible governments.

➤ *Unconditional Surrender.* The Allies did agree on one thing, at least: they had announced at the Casablanca meeting in 1943 that the war would be fought until Germany's "unconditional surrender," and they adhered to this goal, even though many came to wonder whether it was a wise one. It could be argued that by making clear that there was no advantage to be gained by earlier surrender the Allies in effect encouraged the Germans to go on fighting to the bitter end.

➤ *What Kind of Peace?* In both Great Britain and the United States a debate raged over the type of peace to be made with Germany. Some official American opinion inclined toward a Carthaginian settlement. Secretary of the Treasury Henry Morgenthau, Jr., earned fleeting fame for his sponsorship of a plan to reduce the German economy to a pastoral one by destruction of the Ruhr Valley industry.¹⁸ Although President Roosevelt toyed with the idea for a time, he shortly came to appreciate its unrealistic nature; such a cure, although it would eliminate the immediate threat of German militarism, would be worse than the disease. It was a matter of economic fact that Germany was Europe's major market and its major industrial producer, and that its utter economic destruction would have an effect on the European economy roughly akin to the elimination of New York, Pennsylvania, and Illinois from the economy of the United States. Recognizing this drawback, others, such as former diplomat Sumner Welles, proposed that Germany be divided into many small states, to obviate the danger of nationalism. Since each of the Allied governments had its own ideas concerning postwar Germany, it is not surprising that unified international policy was slow in taking form.

➤ *Zones of Occupation.* In February 1945 announcement was made of a meeting just concluded at Yalta, in the Crimea, by the leaders of the United States, the United Kingdom, and the Soviet Union. They agreed that, "after German armed resistance has been finally crushed," each of the three nations (later a fourth, France, was included) would occupy a zone of Germany, and that they would coordinate their policies through a Control Commission, which would sit in Berlin.¹⁹ This undertaking was implemented by a four-power

¹⁸ See Henry Morgenthau, Jr., *Germany Is Our Problem* (Harper, 1945). A brief summary of the plan is found in *Decade of American Foreign Policy*, pp. 502-505.

¹⁹ Text in *Docs. Am. For. Rels.*, 1945-1946, pp. 919-924. A convenient collection of pertinent documents is *The Axis in Defeat*, Dept. St. Publ. No. 2423 (GPO, 1945); see pp. 1-27, 40-106. A large number of documents on defeat and occupation of Germany will be found in the successive issues of *Docs. Am. For. Rels.*; see also *Decade of American Foreign Policy*, pp. 502-610, 971-1012. Convenient accounts of developments are found in *United States in World Affairs, 1945-47*, pp. 164-198, 468-474; *ibid.*, 1947-48, pp. 60-94; *ibid.*, 1948-49, pp. 65-101, 450-496; *ibid.*, 1949, pp. 164-221; *ibid.*, 1950, pp. 106-118,

statement of June 5, 1945, in which the four national occupation zones of Germany and of Berlin were stipulated, and provision made for a Control Council to coordinate the policies of the four military commanding generals and for a somewhat similar four-power "Kommandatura" to rule Berlin.²⁰

► *Potsdam, 1945.* The first great meeting of heads of state after Germany's defeat, at which numerous decisions were made that the participants have been quarreling about ever since, was held at Potsdam, the old imperial suburb of Berlin. On August 2, 1945, Truman, Attlee, and Stalin released a report of their deliberations. Saying that there was among the victors a desire not to destroy the German people but rather to "prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful cooperation in international life by Germany," the Allied leaders set forth several occupation goals: disarmament, demilitarization, elimination of military production, dissolution of the Nazi party in all its manifestations, punishment of war criminals, reconstruction of the German educational and judicial systems, decentralization of government, and reduction of the German economy to the level of peacetime production. There appeared also a statement that has been the subject of much recrimination: "During the period of occupation Germany shall be treated as a single economic unit. To this end, common policies shall be established in regard to" mining, industry, agriculture, wages and prices, foreign trade, currency and banking, reparations, and transportation and communication.²¹ Such a list of goals and policies not only indicates the nature of the duties imposed on General Eisenhower and later on General Clay but also gives quietly eloquent testimony to the immensity of the task confronting the occupation forces. Truly, nothing less than a fundamental overhaul of the German people was envisaged—a task requiring the best efforts of the nation's ablest men.

► *"JCS 1067."* Four months prior to the Potsdam agreement, the United States Joint Chiefs of Staff had issued a directive to the Supreme Commander in Germany which has since become famous as "JCS 1067."²² This document outlined the fundamental principles which the military governor was to apply within the American zone of occupation and which he was to seek, by way of cooperation with his three counterparts, to put into operation in Germany as a whole. Its contents warrant detailed consideration, since they reflect the considered policy of the American government at that time.

► *Military Government.* The Commanding General of the United States

267-276. A very useful collection of documents is *Germany, 1947-1949: The Story in Documents*, Dept. St. Publ. No. 3556 (GPO, 1950). (It will henceforth be cited as *Germany, 1947-1949*.)

²⁰ Text in *Docs. Am. For. Rels., 1944-1945*, pp. 222-224. A map of the occupation zones is printed in *United States in World Affairs, 1945-47*, p. 168.

²¹ Text in *Docs. Am. For. Rels., 1945-1946*, pp. 925-938.

²² Text in *Docs. Am. For. Rels., 1944-1945*, pp. 193-211.

forces of occupation was clothed with supreme legislative, executive, and judicial powers within his zone. He and his British, French, and Russian opposite numbers would compose the Control Council, which would be "the supreme organ of control over Germany in accordance with the agreement on Control Machinery in Germany."²³ Several aims of the administration were set forth, foreshadowing the Potsdam declaration of occupation intentions and prescribing maintenance of the German standard of living at a level no higher than that of any of the neighboring United Nations states. Thus the stage was set for the occupation, which was to endure for an unforeseeable length of time.

➤ *Four-power Government.* As the years rolled by it must often have seemed to Generals Eisenhower and Clay and their assistants that the military conquest of Germany, difficult though it was, was really simpler than the occupation and reconstruction. Problem after problem arose.²⁴

One fundamental difficulty was inherent in the political arrangement made at the end of the war that Germany should be occupied and ruled by four nations. Not only was each to have its own zone of occupation and its own sector of the capital city of Berlin but it was specified that, in both the over-all Control Council and the four-power Kommandatura which ruled Berlin, decisions be taken by unanimous vote. Russian-Western cooperation during the late war had been hesitant and grudging on many occasions, and it virtually vanished after V-E Day. The upshot was that from 1945 to 1947 honest attempts were made to operate the four-power machinery, but that after 1947 the three Western allies virtually gave up the effort, concluding that a truly united Germany was only a dream for the distant future. The war aims that had held the Allies together did not persist after 1945. In 1947 the British and Americans combined the economic administration of their two zones into "Bizonia,"²⁵ and in 1949 they were reluctantly joined by the French. The partition of Germany was now complete, for there was no apparent possibility of union with the fourth zone, the Russian zone, unless the three Western states were prepared to agree to terms that would have ensured Communist control over the whole country in the near future. The wartime dream of "One World" faded rapidly after 1947, and so did the prospect of "One Germany."

²³ Text of the supplementary four-power agreement will be found in *Docs. Am. For. Rels., 1944-1945*, pp. 223-224; see also *ibid.*, pp. 217-222.

²⁴ On problems of occupation government, see Carl J. Friedrich *et al.*, *American Experiences in Military Government in World War II* (Rinehart, 1948); Sydney Connor and Carl J. Friedrich, eds., "Military Government," *The Annals*, Jan. 1950; Philip E. Mosely, "The Occupation of Germany," *Foreign Affairs*, Oct. 1950, pp. 580-604; Harold Zink, *American Military Government in Germany* (Macmillan, 1947); Lucius D. Clay, *Decision in Germany* (Doubleday, 1950); *Occupation of Germany*, Dept. St. Publ. No. 2783 (GPO, 1947); U. S. *Economic Policy Toward Germany*, Dept. St. Publ. No. 2630 (GPO, 1947).

²⁵ See *Decade of American Foreign Policy*, pp. 528-541; *Docs. Am. For. Rels., 1945-1946*, pp. 218-221; *ibid.*, 1947, pp. 71-78.

► *Denazification and War Criminals.* Two objectives of the occupation, as set forth in JCS 1067, were the punishment of war criminals and the elimination from German life of all evidences of the Nazi party and its affiliates. Understandable and laudable as these goals were, they turned out to be less simple to achieve than had been anticipated. An International Military Tribunal was created to try the war criminals, and as a result of its operations numerous high-ranking Nazis were condemned to prison terms or death;²⁶ denazification courts were set up to investigate charges against "Nazi offenders" and to bar from public life those found guilty. Actually, only some 23,000 were found to have committed offenses sufficiently serious to warrant their exclusion from public office.²⁷ The fact of the matter was that by 1939 or 1940 virtually every German of any prominence had either become a member of the Nazi party or was at least in some degree affiliated with it, whether as a matter of personal preference or as a matter of political opportunism. At any rate, the Allies had immense difficulty in finding Germans who were untainted by Nazism and yet had skills needed to operate the governmental machinery. Ultimately there was little choice but to hire a great many Germans who had had more or less close connections with the Nazi party. Those who had had intimate and powerful Nazi connections could be ruled out, but many of the smaller fry were employed.

► *Demilitarization.* The German armed forces, as of the summer of 1945, were under orders to surrender their arms and other war equipment, and in due course this surrender, together with demobilization, was carried out. That, however, solved only the immediate problem; the long-range one of demilitarization to prevent Germany from ever again becoming a threat to the peace of Europe was a far more complicated one. Some well-intentioned if somewhat naïve peace advocates have long maintained that peace could be brought about if countries would simply destroy those industrial plants which produce goods for war. But, as the United States learned in 1940-1945, there is almost no industry which is not susceptible to conversion to wartime production. After 1945 it had to be decided which German plants contributed to the country's war potential and should therefore be eliminated and which ones were needed for the reconstruction of the economy upon which not only Ger-

²⁶ For a general summary of the trials of war criminals, see Telford Taylor, "Nuremberg Trials," *Int. Concil.*, April 1949, No. 450; also *Docs. Am. For. Rels.*, 1944-1945, pp. 251-275; *ibid.*, 1945-1946, pp. 340-352; *ibid.*, 1947, p. 90. In 1952 the United States began publication of a projected fifteen-volume series entitled *Trials of War Criminals before the Nuernberg Military Tribunals*, which was designed to provide complete documentation of the trials (GPO, 1952 et seq.). Briefer collections of pertinent documents are in *Germany*, 1947-1949, pp. 112-118; *Trial of War Criminals*, Dept. St. Publ. No. 2420 (GPO, 1945); and in Robert H. Jackson, *The Case Against the Nazi War Criminals* (Knopf, 1946). See also R. H. Jackson, *The Nuernberg Case* (Knopf, 1947).

²⁷ See *Germany*, 1947-1949, p. 111, for a summary of denazification proceedings. See also *Docs. Am. For. Rels.*, 1947, pp. 52-54.

their own interest to permit German production which could in some measure help satisfy reparations claims.

Out of these factors, plus disputes over assignment of reparations and control of the Ruhr industrial area, came in August 1947 an Anglo-American revision of the 1946 four-power level-of-industry agreement. By this time the United States and Britain had for seven months been operating Bizonia as an economic unit, and it had become apparent that the chances of wholehearted cooperation with the Soviet Union were very poor. Accordingly, the British and American governments announced that in their zone the level of production could be raised by about one third of the 1946 figures. An even greater increase was permitted in steel output; whereas the 1946 agreement had allowed an annual production of 5.8 million tons for all of Germany, the 1947 limit was placed at 10.7 million for Bizonia alone. Smaller increases were permitted in other commodities, but the prohibitions on the aluminum and other war-connected industries were continued.²⁰

➤ *Change in Policy.* The new agreement stated that in its evolution "... the overriding requirement has been to provide the level of industry necessary to make the area self-supporting." By this avowal the two powers made explicit a policy change which had been developing for some time and which had in effect been written into a 1947 amendment to JCS 1067: fear of German breach of European security was becoming less potent than appreciation of the financial burden on the occupying powers. Economic revival, presumably carefully policed, therefore became a prime aim of the British and American governments.²¹

In April 1949 a new agreement of the American, French, and British occupation commanders was announced, which carried forward this policy change. Although it continued prohibitions on the production of such strategic materials as synthetic oil and rubber, it permitted the manufacture of 85,000 tons of primary aluminum and 11.1 million tons of steel per year, and it also allowed limited ship construction in German yards.²²

➤ *The Petersberg Protocol.* A few months later, in November, Foreign Ministers Acheson, Bevin, and Schuman met in Paris to consider the reparations tangle, which, as will be seen later, involved also the question of limitations on production. Conclusions reached at this conference were embodied, two weeks later, in the Petersberg Protocol,²³ which was signed by the Allied

²⁰ Text in *Decade of American Foreign Policy*, pp. 562-568; see also *Docs. Am. For. Rels.*, 1947, pp. 67-68.

²¹ JCS 1067 and its 1947 amendment are found in *Germany, 1947-1949*, pp. 21-41; also in *Docs. Am. For. Rels.*, 1944-1945, pp. 193-211, and *ibid.*, 1947, pp. 79-89.

²² Agreement of April 13, 1949; text in *Germany, 1947-1949*, pp. 366-371.

²³ So called because it was issued from the Petersberg, the mountain near Bonn where Allied headquarters offices were located. The text of the Protocol is found in *Docs. Am. For. Rels.*, 1949, pp. 158-161, and in *Int. Org.*, Feb. 1950, pp. 184-187; see also *United States in World Affairs*, 1949, pp. 212-215.

High Commissioners and the newly constituted West German government. This document indicated a desire further to integrate the new government into the economic and political structure of Europe; it relaxed the restrictions on shipbuilding and agreed that a considerable number of major German industries (including some steel, synthetic oil, and synthetic rubber plants) would not only be removed from the reparations list but would also be protected from further dismantling. The steel-production limit of 11.1 million tons per year was, however, retained. In return the German government agreed to cooperate in the International Ruhr Authority, about which more will be said later.

➤ *1950 Relaxation.* The tendency of the aforementioned moves was clear; it was carried almost to complete consummation by the Foreign Ministers of the three Western powers when they announced, in the fall of 1950, not only that they wished Germany to take a more active part in the politico-economic life of Europe but that:

... a review of the prohibited and limited industries agreement shall be undertaken in the light of the developing relationship with the Federal Republic.

Pending this review, the High Commission has been instructed to remove forthwith all restriction on the size, speed and number of commercial cargo ships built for export and to allow steel to be produced outside the present limitations where this would facilitate the defense effort of the West.³⁴

Such actions, coupled with others to which reference will be made later, made it apparent that Germany was winning her struggle to return to the councils of the mighty in Europe. The Allies, in allowing as much steel to be produced as appeared necessary to facilitate defense production, obviously were hoping that Germany could be kept on their side in the Cold War, in order to help balance Russian strength. There was not complete unanimity of feeling on this policy. Some of the western-European governments were clearly critical of the United States; they were fearful that the latter, in pressing as it did for increased German production, and after 1950 for German rearmament, was not only endangering the West, since German rebirth might turn out to be uncontrollable, but also was permitting the Germans to call the tune and obtain more favorable consideration than was consistent with their current status and with the long-range interests of the West. Certainly there was inherent in such a policy as that advanced by the United States at least the possibility of erroneous calculations of future events. In any case, one cannot help noting the irony of the situation: five years after the end of the most destructive war ever known, the victors were wooing the vanquished.

➤ *"Economic Unity."* The Potsdam agreement had stipulated that during the occupation period Germany "shall be treated as a single economic unit." The three Western powers had tried in good faith to carry out this policy

³⁴ Communiqué of September 19, 1950; text in *Int. Org.*, Nov. 1950, pp. 724-726.

but had been confronted time and again with Kremlin opposition in the Berlin Kommandatura and in the Allied Control Council. It became increasingly evident that the Soviet Union was going one way and that France, Britain, and the United States were going another. When the 1947 level-of-industry agreement was announced, the Soviet government promptly criticized it as a breach of the "single economic unit" guarantee. To this there were two answers: first, the charge was obviously true; and secondly, as a practical matter of fact, Germany had long since ceased to be treated by any country as a single unit. The frontiers between the Russian zone and the other zones were fast hardening into the boundaries of two Germanies. Potsdam had, in cold fact, been forgotten as a directive for actual operations; it served, rather, as grounds on which each side could snipe at the other when occasion demanded and could allege the other's breach of faith. The inter-Allied break was recognized rather than deepened when, in 1949, the French zone was fused into the Anglo-American and preparations were made for an Occupation Statute on the basis of which civilian authority was largely substituted for military.³⁵

➤ *Reparations.* Another troublesome occupation problem was reparations. The basic difficulties arose out of the conflict between the understandable desire to force the vanquished foe to pay the costs of his aggression and the simple fact that anything like complete recompense was economically impossible. It is unfortunate but true that a man or a nation can destroy far more easily than he can rebuild. After World War I the Allies determined that Germany should pay reparations totaling some thirty-two billion dollars. This sum was never paid in full, but America, which had itself made no claim for reparations, eventually recognized to its sorrow that indirectly the payments which were made had been furnished by the American taxpayer and investor: reparations were turned over to the Allies only to the extent that Germany was able to float loans in the United States, and the Allies paid their war debts to the United States only to the extent that reparations were paid to them. When, with the onslaught of the 1929 depression, American loans to Germany ceased, there was also an end to payment of Allied war debts to the United States. Naturally enough, after World War II the United States did not wish to be burned again by the same fire.

After 1945 there was little talk of collecting money damages from Germany, if for no other reason than that Germany did not have the gold with which to pay. The Potsdam agreement, although it anticipated reparations, spoke of satisfying that obligation through expropriation of German external assets (i.e., German property in foreign countries) and through removal of industrial establishments to the victorious countries. The latter technique was favored because it not only permitted payment of a sort but was geared directly to another motive of the Allies: the industrial demobilization of the erstwhile

³⁵ See *Decade of American Foreign Policy*, pp. 588-590.

foe to the point where it could never again threaten the peace. There was agreement at Potsdam that the USSR would take its (and Poland's) reparations from the Russian zone of occupation plus 25 percent of the western-zone plants, and the Western powers would take theirs from their zones. There was no determination of the absolute amount of the assets to be thus removed; it would presumably equal the existing plant capacity in excess of that needed for a peacetime economy. It followed, incidentally, that as the level of permitted industry rose the number of plants idle and therefore available for dismantling dropped, and much bad blood arose because the Western allies gradually increased the level of industry whereas the Russians wanted to collect as many plants as possible in reparation.

Although at Yalta the Russian government had proposed a total reparations bill of twenty billion dollars, half of it to go to the Soviet Union, this figure was accepted only as a basis for further discussion. In 1945 a conference was held at Paris to determine the shares of German assets to be parcelled out among the claimants. The conferees did not set an absolute dollar limit on the amounts to be taken.³⁶ Instead they created an Inter-Allied Reparations Agency (IARA), to sit in Brussels, with the duty of allocating specific items of assets as they were declared available by the Allied Control Council.³⁷ The arrangement was as follows: the Control Council would declare certain plants to be surplus, the IARA would allocate them to claimants, and the latter would remove them to their own countries. In actual practice, things did not work out this way. In the first place, as has been observed, the Control Council soon broke down as an effective governing agency and made relatively few plants available for distribution. Secondly, the Soviet Union proceeded to remove plants from its own zone of occupation whether or not the Control Council had declared them available, and France did likewise to a smaller extent. Protests were made but were ineffectual. Thirdly, there was an economic fact underlying the matter of transporting plants which was insufficiently noticed at the time the arrangements were made but which soon became obvious, just as it did in Japan, where a similar problem was being attacked in the same way: a factory or a shipyard is not a potted plant, which the owner can pick up, transport to another place, and expect to prosper. It depends upon raw materials, labor, and other factors which may or may not be available in the new locale. Add to this the immense difficulty and expense of transportation of factories, and the whole program becomes less attractive than it seemed at first glance.

Another dispute arose. The United States and Britain consistently argued that reparations should be paid not from current production but solely by

³⁶ See *Docs. Am. For. Rels.*, 1945-1946, pp. 227-243.

³⁷ There is a succinct discussion of the origin and functions of the IARA in IARA: *First Report of the Secretary-General for 1946* (no publisher or place indicated, 1947).

removing the factories themselves. This policy was dictated in part by the fear that these two countries would be put in the position of supporting the industries by furnishing raw materials or the dollar exchange with which to buy them, and thus that they would in effect themselves be assuming the cost of Germany's reparations payments. In addition, if Germany were allowed sufficient plant capacity to produce not only for domestic but also for reparations needs, that excess capacity might be turned to mobilization for future war. Nevertheless, it soon appeared that the Soviet Union was violating the principle that reparations should not come from current production, and relations among the occupying powers were thus further embittered.

Furthermore, the Potsdam agreement had stipulated that the Soviet Union should receive, in addition to the plants from its own zone, 25 percent of those made available in the Western zones. Ten percent would be given without compensation, but the other 15 percent were to be paid for in food, coal, and other products needed by western Germany. These products were not in fact forthcoming, and so the plan was stalemated from yet another angle. To make a long story short, so great were the mutual recriminations that in May 1946 General Clay ordered the dismantling of American-zone plants suspended, and when the French and British commanders did likewise the reparations program virtually ground to a halt, except, of course, for whatever steps the Soviet Union chose to take in its own zone. It may be added in passing that (as we shall see in the following chapter) another aspect of the reparations problem has been largely responsible for the failure of the Allied powers to negotiate a peace treaty with Austria.

➤ *End of Reparations.* By 1948 very little reparations removal was going on. The United States was by this time talking in terms of a Marshall Plan and assistance to the economic recovery of Europe—to which recovery an industrially strong Germany could contribute materially. In the summer of 1948, at the request of ECA Administrator Hoffman, dismantling in the French and British zones was discontinued temporarily while an American committee visited Germany to make recommendations concerning the number of plants to be distributed. Six months later this committee, after examining 381 plants, suggested that 167 of them remain in Germany and thereby aid in European recovery. Negotiations followed with the French and British governments; the general idea was accepted, although eight major plants were added to the list of those to be dismantled. This agreement was supplemented by an Anglo-French-American agreement continuing the prohibition of certain German industries, such as those producing primary magnesium, beryllium, and synthetic rubber, but relaxing limitations somewhat on other commodities; Germany was now to be permitted to produce 11.1 million tons of steel per year. This agreement, however, gave way in turn to the Petersberg Protocol of 1949 (see p. 121), which virtually ended dismantling for reparations purposes,

although not necessarily for security purposes. Here again we note that the burden upon the Western Allies of supporting the German economy was too heavy to continue to bear. Furthermore, it was believed that German recovery would serve the interests of the West in its competition with the Soviet Union for the favor of Germany. The focus of attention was therefore shifted from revenge to recovery.

➤ *The Ruhr.* Any discussion of the disposition of German industrial might necessarily revolves in large measure around the Ruhr area of western Germany, which is the heart of the country's heavy industrial production. If the Allies could be assured that the resources of the Ruhr would not be turned against them, they need have little fear of industrial rearmament of the remainder of Germany. How to accomplish this end was a matter on which there was a clash of national interests and policies.

The French demanded at the outset that the whole Rhineland and the Ruhr and Saar valleys be separated from Germany, so that the latter could not draw upon their strength in future. The Rhineland should, according to the French view, be erected into a separate state under French supervision. The French partially succeeded in their aims, in their integration of the Saar economy with their own in 1946-1948.³⁸ The other powers disagreed with the more extensive French claims concerning the Ruhr, but the French power of veto in the Allied Control Council turned out to be a powerful weapon, which its possessor was not loath to use. The iron, coal, and industrial capacity of the Saar and Rhineland was so great that for security reasons the French wished assurance that it would never in future be turned against them.

The Soviet Union demanded that the Ruhr be subjected to joint control of the four occupying powers—a plan which would have contributed to Russian control over western Germany. France countered with a proposal for an international Ruhr regime consisting of all those nations which had been at war with Germany. The Anglo-American point of view opposed any settlement that would vest a veto power in the Russians; it favored moderate restoration of German industry. Gradually the idea of an international control board took form and gained acceptance.

³⁸ See *Docs. Am. For. Rels.*, 1947, pp. 45-46. In a plebiscite held under the auspices of the League of Nations in 1935 the Saarlanders indicated by a 90-percent majority that they preferred union with Germany to union with France. After 1945 France did not hide its intention of acquiring these strategic coal and steel resources, and the governments of the United States and the United Kingdom indicated approval of French plans. The Saarlanders seem to have acquiesced on the theory that France's future was far brighter than Germany's, and in an election held in 1947 they cast over 90 percent of their votes for parties favoring union with France. Under the constitution adopted as a result of that election the Saar became virtually a French protectorate. The story of the Saar is well told by Laing Gray Cowan in *France and the Saar, 1680-1948* (Columbia University Press, 1950); see especially pp. 171-232. Early in 1952 the French appointed an ambassador to the Saar, thereby indicating an independent status for the latter, which would operate to remove it from German sovereignty. See *New York Times*, Jan. 27, 1952, p. 13.

➤ *International Authority for the Ruhr.* At London in June 1948 a preliminary agreement was reached by representatives of the United States, the United Kingdom, France, and the Benelux states (Belgium, the Netherlands, and Luxembourg). It proposed that an International Authority for the Ruhr (IAR) be erected and that it have the functions of cooperating with the Organization for European Economic Cooperation (OEEC) and of allocating the Ruhr's production of coal, coke, and steel to German industries and to export; nothing was said about ownership of the Ruhr factories. In the IAR, the French, British, and Americans would have three votes each and the Benelux nations one each. Germany would be allotted three votes, which would be cast for the time being by the respective occupying powers and ultimately by a revived German government.³⁹ It will be noted that there was no mention of Soviet participation; thus the breakdown of four-power control of Germany was indicated and a pretext provided for Russian accusations that the other countries were interested only in rebuilding Germany to use it as a base of operations for capitalist encirclement of the communist motherland. This agreement again reflected the great change in American policy: it had begun by favoring a low level of German industry and was now favoring reconstruction of the long-time heart of the European economy.

Following this tentative agreement came further negotiations, and by April 1949 a definite pact establishing the IAR was finally signed in London. The French were still not completely satisfied, since the arrangements did not define long-term ownership and management of the Ruhr industries. Temporarily, through action of the commanders of the British and American zones of occupation, management would be vested in trustees named by the commanders; presumably final determination of the crucial point of ownership would be settled at the German peace conference. No one, however, could foretell when that event might take place, and the French wanted assurance here and now that the former private owners of the Ruhr factories, who had contributed so much to Nazi aggression, would be displaced and that ownership would be international. Their point of view did not carry, and the decision was deferred until the meeting of the peace conference.⁴⁰

➤ *Disarmament.* Naturally a major war and peace aim would be disarmament of Germany to prevent future aggression; the problem was not the objective but the method. It was assumed that arms in the hands of German troops at the end of the war would be surrendered, and demobilization was

completed by July 1946; but long-range disarmament was both more important and more difficult to accomplish.

Early in 1946 Secretary of State Byrnes proposed that the Big Four unite in a twenty-five-year treaty (which he later indicated willingness to extend for an additional fifteen years) by which they would agree to supervise Germany and assure themselves of its continuing disarmament.⁴¹ This suggestion, made to the meeting of the Council of Foreign Ministers in Paris, was, in view of previous American policy, a truly remarkable departure. After World War I President Wilson had failed to obtain domestic approval for a similar proposal to guarantee the French against resurgence of German aggression. After World War II there were few who dared prophesy that the United States would not again withdraw into isolationism. The Byrnes proposal, however, along with the fact that after 1945 the country joined the United Nations, passed the Vandenberg Resolution, and joined the North Atlantic Treaty, gave evidence that, at least on the official level, the old isolationist spirit was gone.

The Byrnes proposal was welcomed by the British; the French were moderately interested; the Russians smothered it under an avalanche of proposed amendments which so undercut its essential meaning that Byrnes and later Secretary of State Marshall concluded that the Soviet Union was not at all interested in such a treaty and merely wished to kill it by indirection. In any event, the draft treaty was never approved, and after a year or two it was scarcely even referred to any more in official circles. This attempt to assure Germany's disarmament had failed. It seemed that the Soviet Union did not care to encourage long-term American supervision of Germany, that it hoped that the Americans would go home and leave the Germans in the Russian orbit.

➤ *The Military Security Board.* A Soviet rebuff was nothing new to the three Western powers even as early as 1946; they met this one by exploring another avenue. In London on June 1, 1948, they negotiated an agreement for a three-power Military Security Board, which was actually established as of January 1949. The Board's duties were to inspect the industries restricted by demilitarization plans, to ascertain that no prohibited munitions were manufactured or imported into the three Western zones, and to prevent the revival of militaristic organizations.⁴² One member of the Board would be appointed by each of the three Western military governors, and the Board in general would be advisory and responsible to those governors. Again it may be noted that the division of Germany was an accepted fact.

➤ *Rearmament.* To speak of disarmament and rearmament in almost the same breath seems senseless, and yet there is reason for it. Although in 1945 the occupying powers had sworn to disarm and demilitarize Germany, within

⁴¹ Text in *Docs. Am. For. Rels., 1945-1946*, pp. 205-208.

⁴² See *Decade of American Foreign Policy*, pp. 581-585; *Germany, 1947-1949*, pp. 102-105; *Docs. Am. For. Rels., 1949*, pp. 107-109.

six short years they were singing a different tune. In the late 1940's it was persistently reported that the Soviet Union was surreptitiously building up in its zone a "police force" which in reality was an army; but there was nothing the Western powers could do but write notes of protest, which the Russians answered with denials of the truth of the rumors.

However, it was not only the Russians who wished to rearm Germany. By 1951 the Western powers themselves were preparing, however reluctantly, to sponsor German military rebirth, just as for some few years past they had been increasing the permitted amount of German industrial production. They wished Germany to pull its oar in the economic rehabilitation of Europe; furthermore, they had concluded that there was real danger of Soviet penetration of western Europe, and that one way of preventing it was to draw upon the military manpower of the recently defeated enemy. Germany's key status in Europe was thus again tacitly recognized. Militarily as well as economically the problem was to revive the former enemy state enough to enable it to assist but not to the point where it might again become a threat to the peace of the continent; obviously, delicate adjustments and controls were necessary.

The pattern of the future was by no means altogether clear, but by 1951 it was apparent that in the days soon to come the Germans would be likely to have armed forces. The German troops would probably be integrated into a European army as part of the defenses erected by the North Atlantic Treaty Organization; this step might be followed by Germany's admission to NATO as a full-fledged member.⁴³ The French, ever mindful of German invasions in the past century, were fearful of putting weapons in the hands of their traditional enemy; but their qualms were allayed somewhat by establishment of the principle that the German units would not be under the command of their own staff but would be under international command in a NATO army. Americans, although not oblivious to French concerns, thought that German troops should help balance Russian and that the more German troops were available for international security duty the fewer Americans would be required. The ultimate decision to rearm the Germans, fraught as it was with unknown dangers, was thus largely forced by the United States. Here again was evidence that America was calling the tune in postwar international politics.

➤ *Peace with Germany.* Military occupation of a defeated enemy country is normally regarded as a transitory condition that will give way rather shortly to new conditions under a peace treaty. After 1945, however, it speedily became apparent that the traditional pattern was unlikely to be followed.

⁴³ The North Atlantic Treaty provided for retaliation against any attack on Allied occupation forces in Germany, but this protection was strengthened in September 1950 by a British-American-French statement that the three powers would "... treat any attack against the Federal Republic or Berlin from any quarter as an attack upon themselves." *Int. Org.*, Nov. 1950, pp. 724-725.

Clearly the Soviet Union on the one hand and the Big Three on the other disagreed on fundamental issues. The inability of the Council of Foreign Ministers to reach a settlement and the unending quarrels in the Allied Control Council, consummated in 1948 by the outright secession of the Russian commanding general, demonstrated how unrealistic it was to speak of any meeting of the minds upon which to base a peace treaty.

In 1945 it was taken for granted that the four zones of occupation would shortly be reunited into one Germany; but this dream evaporated within two or three years. "Peace" conferences were held in Paris in 1946 and in Moscow in early 1947, but they, and especially the 1947 conference, accomplished only one thing: the clear demonstration of the irreconcilable differences between Soviet and Western points of view. After the Moscow conference it was plainer than ever that there were two Germanies rather than one.⁴⁴

➤ *Obstacles to a Settlement.* Negotiation of a peace settlement turned out to be intertwined with creation of a German domestic government. As far back as 1946 the occupation authorities in the American zone had seen to it that the "Länder" (German states) should elect assemblies to draft constitutions which would be approved by referendum vote. Manifestly only limited functions could be conferred on governments operating under such constitutions while the occupation continued, but the attitude of the United States was that the sooner the Germans started learning to manage democratic institutions the better.

Negotiations on an all-German basis stalled, however, because of four-power disagreement over issues the settlement of which was essential to a peace treaty: the Polish boundary, reparations, disposition of the Saar and the Rhineland, economic demobilization and level-of-industry restrictions, and the question of what states should participate in negotiation of a treaty. The United States took the position that all fifty-one nations which had been at war with Germany should take part, whereas the Soviet Union wanted negotiations restricted to the Big Four.⁴⁵ The Russians indicated a strong preference for a centralized Germany, whereas the Big Three preferred federalism of some degree, the French understandably wishing the least centralized arrangement possible, in line with their "keep Germany weak" policy.⁴⁶ After the Moscow meeting of Foreign Ministers in the spring and the London meeting

⁴⁴ An excellent discussion of the Moscow conference of Foreign Ministers and its conflicts is found in *United States in World Affairs, 1947-48*, pp. 60-79; see *ibid.*, pp. 459-467, on the 1947 London meeting of Foreign Ministers. Secretary of State Marshall's report on the 1947 Moscow conference is found in *Germany, 1947-1949*, pp. 57-63.

⁴⁵ Of the fifty-one nations, twenty-two had engaged directly in fighting Germany. See the statement by Secretary Marshall in his report on the Moscow Council of Foreign Ministers meeting of early 1947, *Germany, 1947-1949*, pp. 57, 61.

⁴⁶ In an important policy speech in Stuttgart on September 6, 1946, Secretary of State Byrnes had called for the drafting by Germans of a federal constitution. See *Germany, 1947-1949*, pp. 3-8; also *Docs. Am. For. Rels., 1945-1946*, pp. 210-218.

in the fall of 1947, however, it became apparent that Russian intransigence was so deep-seated as to preclude any hope of a united Germany, and the three Western powers proceeded on their own toward creation of a German government.

➤ *The Bonn Assembly.* Out of the 1947 London decisions came ultimately a series of documents upon which a West German constitution could be based. In July 1948 the three Western military governors handed to the prime ministers of the eleven Länder in the Western zones the Allies' proposals for a constitution.⁴⁷ Shortly thereafter the parliaments of the Länder appointed sixty-five delegates who composed the "Parliamentary Council," which met at Bonn on September 1, 1948. This convention was empowered to draft what the Allies regarded as a constitution, but what the Germans insisted on calling a "basic law." Use of the latter term was the Germans' method of indicating that they were acting under the pressure of military governors, and that their product was transitional, to be effective until after withdrawal of occupation forces and eventual reunion of all Germany.

The "basic law" drafted by the Bonn Parliamentary Council provided for a federal government in which certain major powers were allotted to the central government and all others were reserved to the states. It included provisions for ministerial responsibility, a bicameral legislature, universal suffrage, a bill of rights, and judicial review; in addition it carried the interesting provisos that the German government could by law transfer sovereign powers to international institutions, that it might join a collective-security organization, and that it would join in a system of compulsory arbitration of international disputes. Thus would be governed the "Federal Republic of Germany," which the Allies were trying to make democratic by fiat.⁴⁸

➤ *Occupation Statute.* Although the basic law would regulate German internal affairs, relations with the occupying forces would continue to require attention; consequently the three military governors, simultaneously with the meeting at Bonn, commenced drafting an Occupation Statute. This was a matter of much difficulty, and a deadlock arose that was not broken until April 1949, at the meeting of the Foreign Ministers in Washington. When agreement was reached and some consequent revisions were made in the "basic law," the latter was adopted by the Parliamentary Council, on the fourth anniversary of V-E Day, May 8, 1949. It was approved by the three military governors on May 12 and was ratified by the Länder legislatures and proclaimed in effect on May 23, 1949.

The Occupation Statute, dated April 8, 1949, reserved supreme authority to the three occupying governments, but stipulated that the Germans should

⁴⁷ *Docs. Am. For. Rels.*, 1948, pp. 127-136.

⁴⁸ The text of the basic law is in *Germany, 1947-1949*, pp. 283-305; see *ibid.*, pp. 306-326, for texts of other pertinent documents. The law will also be found in *Docs. Am. For. Rels.*, 1949, pp. 121-148.

exercise a maximum degree of self-government consistent with the interests of the Big Three. The latter reserved to themselves control of such matters as disarmament, demilitarization, industrial production in the Ruhr, foreign political and economic affairs, displaced persons, and occupation forces. The "basic law" had been initially approved by the Big Three, and any amendments would require similar sanction. Along with the Statute went the specification that Germany would now enter the Organization for European Economic Cooperation as a full member.⁴⁹

➤ *The Allied High Commission.* A companion to the Occupation Statute was an American-English-French agreement for fusion of the three zones under an Allied High Commission (AHC), to be composed of one High Commissioner from each of the three. Under the Commission's charter all civil authority of the commanding generals of the occupation forces was to be transferred to the AHC, which then would function as supervisor of the German Federal Republic, as provided by the Occupation Statute.⁵⁰ Occupation troops would, of course, remain, but the duties of their commanding officers would be restricted to purely military matters. In other words, military government as such gave way in mid-1949 to civilian control. Moreover, the Germans were increasingly being encouraged to govern themselves, at least in matters of domestic concern.⁵¹

➤ *Soviet Reactions.* One would anticipate that such Allied acts would be met by Russian disapproval, and indeed they were. Soviet leaders inveighed against the "dismemberment of Germany" and in other ways appealed to German nationalism; but they had to be careful not to go too far in this direction, for this same nationalism had been in past and could be in future dangerous to the USSR and its satellites, whose feelings had to be taken into consideration. The Soviet reaction to the creation of the Federal Republic was to set up in its own zone a "German Democratic Republic" in late 1949. The Soviet Military Administration was replaced by a Soviet Control Commission, an analogy thus being provided to the Western transfer from military to civilian control.

Elections showed clearly the guiding hand in the Eastern zone. The Soviet regime had evidently been careless in an election held in May 1949, for a full third of the voters had dared vote against the Communist ticket. This situation was speedily rectified. In the October 1950 election it was announced

⁴⁹ The texts of the Occupation Statute and of the accompanying "Agreement on Basic Principles for Trizonal Fusion" will be found in *Germany, 1947-1949*, pp. 88-97. The West Germans wished to include Berlin in these arrangements, but this proposal was vetoed by the military governors; instead the Big Three promulgated a "little Occupation Statute" for their zones of Berlin. See *Germany, 1947-1949*, pp. 323-326.

⁵⁰ The text of the charter of the AHC is in *Docs. Am. For. Rels.*, 1949, pp. 113-117. The office of U. S. High Commissioner for Germany was created on June 6, 1949; see *Docs. Am. For. Rels.*, 1949, pp. 163-164. See Elmer Plischke, *History of the Allied High Commission for Germany* (no place, Office of U. S. High Commissioner, 1951).

⁵¹ See Franz L. Neumann, "German Democracy 1950," *Int. Concil.*, No. 461, May 1950.

that the Communist candidates had received precisely 99.71 percent of the votes.

➤ *Reacceptance of Germany.* Much of the Cold War has revolved about the competition for the favor of Germany. Both East and West recognized Germany's strategic economic and military position in the heart of Europe, and both wished to control it. From the German standpoint this was a happy situation; the country was enabled to play East against West and thereby to obtain the maximum of concessions. If the Big Three made a concession to West Germany, Russia tended to go them one better in its own zone, thereby demonstrating that it was the true friend of the Germans. Then the Western powers, in order to undercut communism in their zones, would likely find themselves under pressure to yield to new requests on the part of the West German government. Behind the game was the West's uneasy recollection that in 1922 the then pariah states of Russia and Germany had come together by the Rapallo Treaty and thereby disturbed the balance of power; that in 1939-1941 the Molotov-Ribbentrop marriage of convenience had again joined the two nations. The West hoped, but could not be certain, that such a coalition would never be repeated. Steps were taken in May 1952 to provide a fairly good guarantee against such an occurrence.

➤ *"Peace Contract."* Since a definitive peace treaty between the Big Four and Germany appeared to be out of the question, other arrangements were made. The United States Congress, by joint resolution approved October 19, 1951, declared the state of war with Germany ended as of that date. Then Britain, France, and the United States set about drafting a "peace contract" with the German Federal Republic.

At Bonn on May 26, 1952, and Paris on May 27, 1952, a general settlement of major importance was concluded. It was at this time, as has been noted in the preceding chapter, that NATO guarantees were extended to the Federal Republic and that the treaty setting up the European Defense Community (EDC) was signed; both represented attempts to ensure the continuation of Germany in the Western camp. A third treaty, which by its preamble was declared to have the aim of integrating ". . . the Federal Republic on a basis of equality within the European Community itself included in a developing Atlantic Community," was the "Convention on Relations between the Three Powers (United States, Britain, and France) and the Federal Republic of Germany."⁵² Although technically the Convention was subject to revision at

⁵² The treaty was signed at Bonn on May 26, 1952; the U. S. Senate promptly gave its approval to ratification on July 1, 1952, by vote of 77 to 5. The text of the Convention and accompanying notes and protocols is printed in *Convention on Relations with the Federal Republic of Germany*, 82nd Congress, 2nd Session, Senate Executives Q and R (GPO, 1952), pp. 9-22, 25-165. The same publication includes the full texts of the NATO protocol of May 1952, the treaty constituting EDC, and the Schuman Plan treaty for the European Coal and Steel Community.

the time of a final peace treaty with a reunited Germany, such a treaty was so remote that the Convention for all practical purposes might be considered final.

➤ *Convention on Relations.* The Convention and accompanying protocols are complex documents; however, certain features emerge clearly from a study of them. Fundamental was the restoration to Germany of virtually independent status among the nations. The three Western powers indicated that Germany would regain almost complete control of her internal and external affairs, that the Occupation Statute and the Allied High Commission would cease to operate, and that relations would be conducted upon the usual diplomatic basis. All this, however, was conditioned upon ratification of the Convention and the EDC treaty.

Germany by this Convention agreed to become a member of the European Defense Community and through it to contribute to the defense of the continent. Thus it gave guarantees directly to France, Italy, Belgium, the Netherlands, and Luxembourg and they reciprocated; in addition, England and the United States, as members of NATO but not of EDC, stated that any threat to the security of EDC would be considered a threat to themselves and that any attack on Berlin would be regarded as equivalent to an attack on them. Detailed provisions were drawn up covering the stationing of troops in Germany, not as occupation forces but "for the defense of the free world, of which the Federal Republic and Berlin form part"; German financial contributions to the support of these troops; rights of the foreign troops (as to training, maneuvers, movements, communications, and subjection to German civil but not criminal law); creation of an Arbitration Tribunal, authorized to deliver binding decisions in disputes arising under the present settlement; regulation of war claims and foreign property rights; assumption of pre-1939 German external debts; permission to the foreign powers to use their troops in Germany for the purpose of suppressing threatened or actual foreign invasion or domestic subversion; and the reparations problem (although it was to be settled by the final peace treaty, in the meantime the Three Powers agreed never to claim reparations from current production).

➤ *The Situation after 1952.* The situation in Germany was similar to that which existed in Japan after 1951: the end of the war was recognized and the vanquished country was restored to international status and drawn by treaty into security arrangements designed to stop the Russian advance or any similar threat. Thus in 1949 civilian occupation government superseded the military government in Germany and a new domestic constitution came into force; Germany obtained membership in the Organization for European Economic Cooperation and in the International Authority for the Ruhr; its emerging position was further recognized by the permission granted it to re-establish normal consular relations. In 1950 came the beginning of diplomatic relations and the proposal, later accepted, that Germany join as a full

partner in the European Coal and Steel Community. Also in 1950 Germany became an associate member of the Council of Europe, and in 1951 it was granted full membership. In 1952 it was provided that even civilian occupation was to terminate upon ratification of the Convention on Relations and allied documents, virtually complete independence was restored, NATO guarantees were extended to cover Germany, and Germany agreed to join the European Defense Community. It was evident that, although Germany was perhaps not yet fully trusted by those who had experienced its past aggressions, it was no longer an outcast. Such depressed status was inconsistent with the inherent strength of this nation.

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THE UNITED STATES

AND CENTRAL-EASTERN EUROPE

ITALY

Italy in the years after 1945 was a battlefield in the Cold War between East and West. American interest in Italy has revolved largely around the problem of keeping that country on the free side of the Iron Curtain. This has been our major concern whether we were dealing with the Italian peace treaty, the disposition of the nation's erstwhile colonies, its claims to Trieste, or its membership in various postwar international organizations. All these are important issues that have arisen since V-E Day.

➤ *Italy at War.* Italy presented a unique case for peacemaking after World War II, inasmuch as it had in the course of the conflict been both an enemy and, later, a "co-belligerent." As a member of the Axis it had entered the war in 1940 with an attack on France a matter of hours before the collapse of that unhappy country in the face of the Nazi blitzkrieg, and for the following three years it continued on the Axis side. Its infamous stab in the French back was not forgotten even after it surrendered to the Western powers in mid-1943 and proceeded to declare war on its quondam Axis partner.¹ The co-belligerency of Italy was accepted by the Allies, and the Foreign Ministers of the United States, Britain, and Russia, meeting in Moscow in October 1943, announced unity of policy regarding Italy and determination that it should be rid of all vestiges of fascism and then democratized.² For two years thereafter the Allies used Italy as a battlefield in the painfully slow and costly campaign to the north against the Germans.

➤ *Military Government.* Allied military government was ultimately set up in Italy, but it was far shorter-lived than in Germany. The dismissal of Mussolini removed the prime Italian leader; King Victor Emmanuel, who occupied the second spot, carried out his promise to turn over royal powers to his son when the Allied troops entered Rome, which they did in June 1944. His

¹ Useful summaries of the events of 1943, with pertinent documents, will be found in *Docs. Am. For. Rels.*, 1943-1944, pp. 160-183.

² *Docs. Am. For. Rels.*, 1943-1944, pp. 230-231.

stances, simply had not recovered from war, occupation, and the fighting which had raged almost the whole length of the peninsula. It will surprise no one to learn that, under such conditions of depression, the Communist party was exceedingly powerful. When the Marshall Plan was first suggested and it was indicated that Italy would be one of the recipients of aid, the Soviet Union concentrated a vast amount of anti-Western propaganda on Italy, supplementing the spoken word by fomenting serious strikes and riots. Communists were still represented in the cabinet, but in mid-1947 the Christian Democratic Prime Minister, Alcide de Gasperi, summoned the courage to dismiss them. There was vociferous protest, and the cabinet's life was touch and go for a time; but de Gasperi survived and indeed increased his stature in the mind of the West.

➤ *The 1948 Election.* Seldom has a national election been so bitterly contested and so broadly publicized as that of April 18, 1948, in Italy. The campaign had begun, in actuality, a year before. Not only was there the usual taking to the hustings within Italy, but other countries, especially the Soviet Union and the United States, bent every effort to obtain a decisive vote for their favorite parties. The USSR, for example, announced with a great flourish that it favored the return to Italy of those African colonies which the peace treaty had taken away. The United States countered with a renunciation of its share of the Italian fleet as allotted by the treaty. Radio programs by the hour were beamed to Italy from both sides. Italo-Americans were organized to write letters to their relatives in the old country and tell them of the horrors of communism and the virtues of the Western way of life.

The master stroke came a month before the election. The United States, together with England and France, suddenly announced its belief that the disputed territory of Trieste should go to Italy. This move was naturally immensely popular with Italians, and it had the further advantage not only of stealing a march on Russia but of embarrassing it otherwise. The Kremlin opposed return of Trieste, and thereby antagonized the Italians, whom it was wooing. If it had come out in favor of return, after the American move, it would have appeared to be playing follow-the-American-leader, which was to it a distasteful game, and would certainly have alienated the affections of the Tito government, which at this time was still following the party line and which was maintaining that Trieste logically was Yugoslav. Here was a clear diplomatic victory for the West.

The 1948 election was generally regarded as a crucial turning point, and its outcome was awaited with bated breath. A Communist victory would not only indicate that the Communists could win where the Red Army was not present but would doubtless result in Italy's disappearance behind the Iron Curtain. This in turn would dangerously disturb the strategic balance in the Mediterranean. A year earlier President Truman had announced his policy of

economic and military aid to Greece and Turkey, but the erection of a hostile government in Italy would have tended to isolate those two countries and make it ever more likely that they too would fall to the East. A similar fate would probably befall Austria.

Great was the rejoicing in Western foreign offices when the election results became known. Prime Minister de Gasperi's party, the Christian Democrats, had obtained 49 percent of the votes and had won a clear majority of seats in the Chamber of Deputies. Other anti-Communist parties had also done well. In all, two thirds of the votes cast were pro-West. On the other hand, it was sobering to remember that candidates of the Communist and allied parties had amassed a total of eight million votes; it was clear that the Kremlin was by no means without friends in Italy. Nevertheless, Communist strength ebbed after the Italian election, not only in Italy but also in France. The West could breathe a sigh of relief.

➤ *Italian Colonies.* The story of the disposition of the Italian colonies is told elsewhere and need only be summarized here. On the whole these lands had no great economic value; but they were of strategic importance, or at least they could be if they were in the hands of powers hostile to the West. Furthermore, it is in the tradition of war that at its conclusion the vanquished is punished by loss of territory.

The Council of Foreign Ministers, to which the allotment of colonies was entrusted by the Potsdam agreement of 1945, could not determine the disposition of the colonies; it stipulated that if the deadlock continued for one year after the Italian peace treaty came into force, it would submit the problem to the UN General Assembly and abide by the decisions of that body. This chain of events took place, and ultimately the General Assembly decided that Libya should become independent by 1952, that Somaliland should be confided to a UN trusteeship with Italy as the administering authority, and that Eritrea should be federated with Ethiopia.⁴ This arrangement was generally satisfactory to the United States, although it had originally favored an international United Nations trusteeship for the areas in question. This policy was changed when the Soviet Union unexpectedly showed interest in gaining some measure of control, through trusteeship, over the potential naval and air bases afforded by the territories.

➤ *Trieste.* Trieste, the major city of the province of Venezia Giulia, has been a bone of contention for years, ever since its acquisition by Italy just after World War I. At the conclusion of the second war, the province surrounding the city was divided by a "temporary" boundary of military occupation; Anglo-American troops and military government were installed on the north side of

⁴ A more detailed discussion of this subject will be found in Chapter 18 of this volume. See also *United States in World Affairs*, 1949, pp. 355-366; *ibid.*, 1950, pp. 385-392.

the area and Yugoslav troops and government on the south.⁵ Although this arrangement was intended to be provisional, it in fact turned out to be virtually permanent, simply because of the inability of the powers involved to arrive at a permanent settlement. The city proper was intended by the Italian peace treaty to become a free territory, under the administration of a governor appointed by the UN Security Council after consultation with the governments of Italy and Yugoslavia; but the East-West conflict has been so intense as to prevent the Council from being able to make the choice.⁶

The population of the city of Trieste is 80 percent Italian, but that of the hinterland of the province is largely Yugoslav. Another strategic consideration is that the port has been of great value for trade with east and central Europe. One logical line of division of the territory would be the ethnic line: Italians on one side and Yugoslavs on the other. This principle appealed to the Council of Foreign Ministers in 1945, but they found that it was too simple. A commission of experts could not agree as to precisely where the line should be drawn. The fact of the matter is that Trieste, although its intrinsic importance is not overwhelming, has become a symbol of East-West rivalry, and that competition has become so bitter that neither side will yield to the other and thus appear to concede a victory. So the stalemate continues, and Venezia Giulia continues under military occupation, years after the end of the war and after the conclusion of the peace treaty.

➤ *Reparations.* In the wake of modern war follows the problem of reparations. The United States made no claims in this respect, largely because of the feeling that Italy was so poor that in the long run reparations would be indirectly paid by America anyway, and that it would be simpler, as well as productive of Italian good will, not to demand reparations. This decision did not, of course, preclude claims from other quarters, and in the final settlement Italy was bound to pay a total of 360 million dollars, divided as follows: 125 million dollars to Yugoslavia, 105 million dollars to Greece, 100 million dollars to the Soviet Union, 25 million dollars to Ethiopia, and 5 million dollars to Albania. Payment was not to be made in cash, but in factories and other assets. In addition, most of the Italian fleet was divided among the victors, as insurance against further aggression.

➤ *Reacceptance of Italy.* Italy, far more rapidly than Germany, was reaccepted into the international community. The United States, for example, re-established diplomatic relations in 1944, and after the conclusion of the war

⁵ This was established by the Anglo-American agreement of June 9, 1945; text in *Decade of American Foreign Policy*, pp. 478-479. A good map of the area, showing the conflicting claims, appears in *United States in World Affairs, 1945-47*, p. 116.

⁶ This governmental provision was made by the "Permanent Statute of the Free Territory of Trieste," which was Annex VI of the Italian peace treaty of 1947; text in *Int. Org.*, June 1947, pp. 410-419.

proceeded to deal with Italy as an equal. The latter's shaky economic status and the internal threat of communism necessitated its inclusion in the Marshall Plan and the Organization for European Economic Cooperation. Next Italy was invited to sign the North Atlantic Treaty, although this move was the subject of some adverse comment. It was evident, for one thing, that Italy was by no distortion of the map to be properly regarded as an Atlantic power, but it was equally evident to the United States that a favorable Western orientation of Italy could be decidedly advantageous to the Atlantic countries, if for no other reason than that it would keep Italy out of the arms of the USSR. The latter objected to the North Atlantic pact on various grounds, but specifically claimed that inclusion of Italy would violate the peace treaty's limitation of the Italian army to 250,000 men. The American reply was that Italy's obligations under the Atlantic pact would be commensurate with treaty limitations on its army. This response turned out to be more wish than fact.

Italy likewise was a charter member of the Council of Europe, and also a signatory of the Schuman Plan treaty. It thus appeared that the country had largely succeeded in "working her passage back," as Churchill had earlier demanded, into respectable Western society. The one major international organ from which Italy was excluded was the United Nations, and it would have been accepted there if the United States had had its way; but by the spring of 1952 the Soviet Union had five times vetoed resolutions calling for Italian admission. Nevertheless, Italy's position as administrator of its erstwhile colony of Somaliland gained the entree to one UN body, the Trusteeship Council. To a major extent, therefore, Italy had regained a place among the free nations of Europe within a few years after the termination of the war, and it seemed clear that the danger of its being drawn into the orbit of the Soviet Union had vanished.⁷ It was of course largely toward this end that American policy makers had consistently been striving.

➤ *Rearmament.* It has been noted that the 1947 peace treaty placed rather severe limitations on the size and character of Italy's armed forces; this step was natural enough in view of the country's past aggressions and subsequent defeat. It has also been noted, however, that only two or three years later increasing talk was heard of rearmament of Germany, so that German troops could contribute to the defense of their own country and of western Europe as well, thereby lessening the burden on England, France, and the United States. The same sort of transition of thought took place with regard to Italy. Although nearly disarmed in 1947, by 1949 it was a member of the

⁷ This does not mean that there were no more Communists in Italy. The local party continued strong and vociferous. That it was a "standard" Communist group was indicated by the fact that in 1949 its leader, Palmiro Togliatti, was one of the numerous Communists in various countries who stated publicly that in case of war between his homeland and Russia he would likely be found on the Russian side.

North Atlantic Treaty Organization, and by 1951 other members of NATO that had signed the Italian peace treaty were pressing Italy to rearm, so that it could assist in Western defense against the Russian menace.

Since the 1947 treaty obviously stood in the way of such rearmament, the Western signatories, in 1951, indicated their willingness to annul the pertinent provisions of the pact. The reaction of the Soviet Union, which had objected at the time of Italy's inclusion in NATO that such membership would be inconsistent with the peace treaty, could be accurately predicted. Early in 1952 the USSR officially informed Italy that it was prepared to rewrite the 1947 arms-limitation clauses on condition that Italy dissociate itself from the "aggressive Atlantic bloc" and refuse to permit foreign military forces or bases on its territory.⁸ These conditions were obviously unacceptable to Italy in any case, and especially so inasmuch as the non-Communist signatories to the 1947 treaty had already given their blessings to Italy's rearmament. Late in 1951 Italy had declared on the basis of their approval that treaty revision was an accomplished fact, but in February 1952 there arose another cause or pretext for action: the Soviet Union, for the fifth time, vetoed Italy's admission to the UN. Seizing upon this act, the Italian government notified the Kremlin that the treaty of 1947, which had included a Soviet pledge to support Italy's application for UN membership, had been broken by the USSR and therefore was no longer binding.⁹ Thus Italy, with the approval of the West, was in effect free of arms limitations, treaty or no treaty.

The irony of the Western position as of 1951 has already been mentioned. By 1951 the United States, France, and Great Britain, which had strained every nerve to bring about the downfall of the Axis in 1945, had done a complete about-face. The Western Allies had won the war, had imposed limitation or abolition of armaments on the vanquished Axis—and six years later, owing to the threat from the East, were taking active steps in the direction of sizable rearmament of that erstwhile Axis. In Germany no peace treaty had yet been negotiated, and so no change of documents was needed. But the shift in policy did necessitate revision (or violation) of the 1947 Italian peace treaty, as well as changes in the postwar Japanese constitution, which had been drawn up in obedience to the desires of the occupation authorities and which had specified that there should be no Japanese military forces. Nowhere could the fluid state of world politics be better illustrated than here.

AUSTRIA

Austria, like Italy, would normally be expected to link itself with the West rather than the East if allowed to go its own way, but that opportunity

⁸ See the *New York Times*, Jan. 27, 1952, p. 13. Other pertinent correspondence will be found in *Department of State Bulletin*, Oct. 8, 1951, p. 570; *ibid.*, Dec. 24, 1951, p. 1011; and *Current History*, Dec. 1951, pp. 362-366.

⁹ See the *New York Times*, Feb. 10, 1952, pp. 1, 24.

has not been afforded this unfortunate country since 1945. A four-power occupation, arising out of the war, has continued in spite of the quite lenient attitude taken at least by the United States, Britain, and France toward this nation, which they regarded as liberated rather than conquered.¹⁰ The rank and file of Austrian citizens, like the rank and file of Italians, had been reluctant followers of Hitler, and both countries had suffered immensely from Nazi policies. A major difference between the two was that at war's end Italy was occupied by British and American troops, whereas Soviet forces were in Austria; Russian policy therefore had to be reckoned with in the latter country.

➤ *Occupation.* The initial disposition of Austria followed the German pattern. That is to say, although the country was nominally liberated and not conquered, it was divided into four zones of occupation, as was its capital city, Vienna.¹¹ Hardly had the shooting stopped, however, when the diplomatic sniping began. Many of the German disputes were repeated in miniature in Austria, where also the Kremlin confronted an English-French-American alignment. Although the Austrian occupation was more tolerant than the German, it was nonetheless foreign occupation, and the Austrians never concealed their dislike of it.

It became apparent very shortly that the major Soviet interest in Austria lay in stripping the country of its industrial machinery. A secondary aim was to stay in Austria as long as possible, because under the terms of the treaties with Hungary and Rumania the USSR was entitled to station troops in them in order to guard lines of communication to Austria. The longer troops could be kept in Austria, the longer could they keep a watchful eye on the puppet regimes of Hungary and Rumania as well. Doubtless at the outset the Russians also hoped to bring Austria behind the Iron Curtain, but they underestimated the political conservatism and tenacity of the Austrians. Free elections were held in 1945 and again in 1949; on neither occasion did Communist candidates receive more than 5 percent of the votes cast. Further evidence that Soviet intimidation would be ineffective lay in Austria's acceptance, despite manifest Russian disapproval, of an invitation to join the Organization for European Economic Cooperation.

of the country's economic health as possible. Austria has at best an unstable economy. The industrial part of the country was amputated after World War I, and the process has in a sense been repeated since 1945, in that the most heavily industrialized areas are under Soviet domination. Obviously the remainder of the country can survive only with major foreign economic assistance.

➤ *Obstacles to a Peace Treaty.* A treaty would long since have been concluded and foreign powers withdrawn from Austria if agreement could have been reached on two points. First, the Soviet Union insisted, until 1949, on pressing the claim of its then satellite Yugoslavia to war reparations and to cession of South Carinthia by Austria. The West refused to yield on these points, and in 1948 Tito and Stalin fell out so bitterly that Soviet negotiators discontinued their demands on behalf of Yugoslavia. Agreement then remained to be reached on only one major point, but on it lines have been drawn so taut that no progress has been made.

This is the issue of the "German assets." At Potsdam in 1945 it was agreed that the United States, Britain, and Russia would ask for no reparations from Austria, but in an unguarded moment Truman and Attlee acquiesced in a broad statement that Russia would be entitled to "appropriate German external assets" in its zone of occupation in Austria as well as in East Germany, Bulgaria, Hungary, and Rumania.¹² Superficially this was not unreasonable, but immense complications arose when the diplomats got down to actual definition of what constituted "German assets." Few objected to the Russians' taking over property that had belonged bona fide to Nazis before the 1938 *Anschluss*, or Austro-German union; but it soon developed that in addition the Russians were seizing plants and other assets that individual Nazis had expropriated or purchased by coercion from Jews or other luckless Austrians. This too was "Nazi property" in a sense, but property which the West agreed should be returned to its original, rightful owners rather than transferred from one thief to another. Still, seizure of such property did take place in the Russian zone, and there was no means available to stop it.

➤ *Stalemate.* In 1949 it appeared that the Russian point of view had suddenly moderated and that a compromise settlement was in sight; but it soon became evident again that the Kremlin was playing cat-and-mouse and was not interested in terminating the negotiations, which continued to drag out. The pretext was often used that a treaty with Austria was impossible until the Western powers agreed to the Russian proposals on Trieste.¹³ By the Moscow Declaration on Austria of October 1943 the governments of the United States, the United Kingdom, and the Soviet Union had stated that they wished "to see reestablished a free and independent Austria,"¹⁴ but this promise was so long in coming to fruition that Austrians in recent years have been asking when they could expect to be liberated from their liberators. The competition of East and West for hegemony is so intense, and mutual antagonism so deep, as to make a treaty for Austria appear almost as chimerical as a journey to the moon.

➤ *Danube River Regulation.* For many years before World War II navigation on the Danube had been regulated internationally through the medium of two commissions, on which sat members representing the governments of all the riparian states plus England, France, and Italy. All this was changed after 1945.

When the Council of Foreign Ministers met in December 1946, it decided that the peace treaties soon to be negotiated with the Balkan states would include guarantees of freedom of navigation on the Danube, and that within six months of the effective date of those treaties a conference would be held to devise a new regime for Danubian regulation. Conference members would be representatives of the Big Four and of the riparian states of Czechoslovakia, Hungary, Rumania, Bulgaria, Yugoslavia, and the Ukraine; noteworthy omissions were Germany and Austria. Thus seven of the ten member states were clearly within the Soviet orbit. Realizing that the Western Big Three would doubtless be outvoted, Britain and France were not eager to call the Danubian conference; but the United States had taken great interest in the project and insisted that it be carried through. Stormy preliminary negotiations resulted in the meeting convening ultimately in Belgrade in midsummer of 1948.

This session confirmed the worst fears of the British and the French. By contrast with UN Assembly meetings, here was a conference in which the Soviet Union controlled a clear majority of votes, and the Kremlin obviously was prepared to enjoy and exploit the situation to the utmost, not only for its

¹³ See *Department of State Bulletin*, Sept. 24, 1951, p. 486; *ibid.*, Feb. 4, 1952, p. 160; *ibid.*, Mar. 3, 1952, pp. 326-327. For an authoritative article on the negotiations by one of the negotiators, see Philip E. Mosely, "The Treaty with Austria," *Int. Org.*, May 1950, pp. 219-235. See also Redvers Opie et al., *op. cit.*, Chapter 9; *United States in World Affairs, 1945-47*, pp. 198-205; *ibid.*, 1947-48, pp. 94-102; *ibid.*, 1949, pp. 42, 222-233. In January 1952 the Foreign Ministers' Deputies met for their 259th session, again without result.

¹⁴ *Docs. Am. For. Rels., 1943-1944*, p. 231.

economic but also for its propaganda value.¹⁵ Even refusing to permit English to be recognized as an official language of the conference, and thus indicating the warmth of the welcome extended to the English and American delegates, the members rode roughshod over virtually every Western suggestion and adopted every Russian proposal by a standard vote of seven to three. Western protests of the continuing validity of the old regulatory treaties, and proposals for obtaining an advisory opinion as to their force from the International Court of Justice, were all turned down. A treaty was written that left control of Danube navigation exclusively in the hands of the riparian states, especially Rumania and the Soviet Union; practically speaking, this meant control by the latter. The government of the United States voted against the convention as a whole, but the French and British delegates, in protest against the illegality of the whole proceeding, abstained from voting. All three nations continue to refuse to recognize the legal force of the Belgrade treaty.¹⁶

Clearly, the Danube is now controlled by the Soviet Union. Those non-Russians and nonriparians who use this important artery of commerce will do so on Russian terms, if at all. Since 1949 complete management of the Danube Commission has been vested solely in a representative of the Soviet government.¹⁷ Thus in another way has the Iron Curtain been dropped.

YUGOSLAVIA

➤ *The Cominform.* The antipathy of the Soviet Union to the Marshall Plan has been evident ever since that day in June 1947 when Secretary of State George Marshall sent out his first feelers on the project. The Russian and other Communist parties have consistently maintained that the Plan was neither more nor less than a disguise, behind which could be detected a diabolical plot by "the fascists of Wall Street" to extend their "capitalistic imperialism" over all Europe. The allegation of the plot falls of its own weight, but the free world has not doubted for a moment that the Marshall Plan was America's great—and largely successful—effort to prevent the communization of western Europe.

This motivation led to a conference of European Communists in the fall of 1947 in Poland, at which the decision was taken to establish a "Communist Information Bureau," better known as the Cominform, to enlighten the world as to the magnitude of the American threat.¹⁸ Headquarters were established

¹⁵ See *United States in World Affairs, 1948-49*, pp. 127-133; *Int. Org.*, Feb. 1949, pp. 179-180; John C. Campbell, "Diplomacy on the Danube," *Foreign Affairs*, Jan. 1949, pp. 315-327. By this time the Tito-Stalin break had come, but Yugoslavia and the USSR stood together at Belgrade.

¹⁶ *Decade of American Foreign Policy*, pp. 807-808.

¹⁷ *Int. Org.*, Aug. 1950, p. 542.

¹⁸ The Cominform was created by the Communist parties of Poland, Czechoslovakia, Yugoslavia, Hungary, Rumania, Bulgaria, France, Italy, and the Soviet Union. Its first manifesto included the following gems: "Two opposite political lines have crystallized: on

in the Yugoslav capital, Belgrade—a signal honor for one of the most energetic and promising of the Communist leaders, Marshal Tito. Although the announced purpose of the organization was to circulate information concerning the danger from across the Atlantic, it soon became apparent that the Cominform was in part a successor to the old Third (Communist) International (or Comintern), which had been dissolved in 1943 as evidence that the Soviet Union had ceased its revolutionary activity in foreign lands.

➤ *Marshal Tito.* Yugoslavia's Marshal Tito was clearly one of the fair-haired lads of the international Communist movement. Born Josip Broz, he had acquired the pseudonym "Tito" when he provided brilliant and effective leadership of the Yugoslav Partisan underground against Hitler. His guerrilla tactics tied up many German divisions and contributed mightily to the anti-Nazi war effort. His position on the one hand was that of leader of a fervently nationalist congeries of peoples grouped into the state of Yugoslavia; on the other it was that of a devoted follower of Marx-Lenin-Stalinism. So great was his success in these capacities that toward the end of the war the Allies accepted him as the prospective postwar leader of Yugoslavia, and thereby turned thumbs down on his Chetnik opponent, General Draja Mikhailovitch, who had aspired to that honor. The type of peacetime leadership to be expected of Tito was demonstrated in late 1945, when 90 percent of a gagged electorate voted in favor of his government, and when, shortly thereafter, he announced that the election also constituted an abolition of the monarchy and authorized him to proceed to the drafting of a new Soviet-type constitution.¹⁹

➤ *The Cominform vs. Tito.* As of 1947 every external indication pointed to Tito as one of the most promising of the Communist dictators outside the boundaries of the Soviet motherland itself; his collaboration with the Kremlin seemed complete and wholehearted. The capital of the Cominform had even been located within his territory. Great was the world's amazement, therefore, when in June 1948 news broke publicly which had evidently been some months in gestation: the Cominform regarded Tito as a traitor to the holy cause. He was charged with slander of the Soviet Union and its various branches; with being antidemocratic; with temporizing with bourgeois ideals; and with not having properly followed the precepts of Marx and Lenin. The whole tornadic fury of the international Communist propaganda machine was turned on him.

the one extreme the USSR and the democratic countries aim at whittling down imperialism and the strengthening of democracy. On the other side the United States . . . and England aim at the strengthening of imperialism and choking democracy. . . . The Truman-Marshall Plan is only a farce, a European branch of the general world plan of political expansion being realized by the United States . . . in all parts of the world. The plan of the economic and political subjugation of Europe through American imperialism is complemented by plans for the economic and political subjugation of China, Indonesia and South America. . . . To frustrate those imperialistic plans of aggression we need the efforts of all democratic and anti-imperialistic forces in Europe. . . ." *Docs. Am. For. Rels.*, 1947, pp. 623-624.

¹⁹ Good brief summaries on postwar Yugoslavia are found in *United States in World Affairs*, 1948-49, pp. 116-127; *ibid.*, 1949, pp. 250-263.

When he not only refused to recant but unrepentantly defended himself and fought back, economic sanctions were imposed on Yugoslavia by its erstwhile satellite partners, the capital of the Cominform was moved to Bucharest, Russia withdrew its support for Yugoslavia's claims against Austria, and the Soviet Union denounced its treaty of friendship and alliance with Yugoslavia. At once rumors of Russian invasion of Yugoslavia were heard, and they have been repeated every spring since 1948.

Although there was far more than a modicum of truth in the Cominform charges, it has become clear that they were only the ostensible reasons for the Soviet's furious blast upon one who had until recently been a favorite son. The fact of the matter was that Marshal Tito had been guilty of the grossest possible error: that of refusing to subordinate his and his nation's interests to those decreed by the Kremlin. His nationalism led him to modify Communist doctrines in the light of Yugoslav conditions; for example, he did not carry through the land-collectivization program as rapidly as the Russians, largely ignorant of the Yugoslav peasant's fierce attachment to his acres, thought essential. Tito had promoted the concept of Balkan federation although the Soviet Union opposed it, evidently on the principle of divide and rule. He refused to countenance actions that would have led to Russian domination of the Yugoslav army and secret police. In these and other ways he showed his independence of Moscow. Thus he was guilty of *lèse-majesté* and, what was worse, of heresy and blasphemy. The politico-economic religion of which Karl Marx is the god and Lenin and Stalin the prophets cannot tolerate dissension within its clergy; one conforms or is excommunicated. There must be no nationalistic deviations from the party line.²⁰

As noted elsewhere, an immediate effect of the Stalin-Tito break was the former's discontinuance of support of Yugoslavia's claims concerning Austria and Trieste. Yugoslav aid to the Communist guerrillas in Greece virtually ceased also, and friction was thus reduced in that area. Broader implications than these, however, followed in the wake of the rift. Implicit in this rift were evidence that the Marshall Plan was having effect and, therefore, possibility that other satellites might be wooed away from their Russian allegiance. The whole affair showed beyond a shadow of doubt that the Cominform was the Kremlin's errand boy and that the Kremlin's discipline demanded that its followers be subservient Communists first and nationals of their own countries secondly. Here it was demonstrated that the Communist party was not wholly, to use one of its favorite words, monolithic; it was not one mighty, massive block. If one important segment could be separated from it, might there not be others?

The West understandably leaped to the hope that there might soon be further rents in the Iron Curtain. Muscovite leaders had lost face with the rank

²⁰ See Hamilton Fish Armstrong, *Tito and Goliath* (Macmillan, 1951).

and file, for here was proof positive that one lieutenant could defy the general and make good his defiance. This was an exceedingly dangerous idea, which the inhabitants of the Kremlin would have vastly preferred not to have had circulated. The hope that other Titos might arise was dimmed somewhat, however, by the realization that Yugoslavia differed from the other satellites in having no common frontier with the Soviet Union and in having had no Soviet troops stationed in it. Other satellites might be able to duplicate one, but not both, of these strategic considerations.

➤ *American Policy.* The United States was placed in a predicament by the Yugoslav situation after 1948. On the one hand Tito, although at odds with his co-theorists, remained avowedly a Communist and was still a dictator at the head of a repressive totalitarian regime in which political opponents existed only in jail or in exile. On the other hand, a golden opportunity was presented to force a wedge through this chink in the Soviet armor and materially weaken the strength of the USSR. Tito himself contributed little to a decision on the proper American course of action. On occasion his defiance was hissed at the West as intensely as at the East. Yugoslav delegates to UN meetings now voted with the Soviet Union, as if to demonstrate that they still considered themselves members of the fraternity, and now showed their independence by crossing the line to vote with the West.

The dilemma of the State Department with regard to Tito was similar to that presented by Spain's Franco. Ultimately a policy of cautious collaboration was decided upon. Tito was not clasped to the American bosom, but he was permitted to purchase important industrial equipment in the United States, he was granted a twenty-million-dollar Export-Import Bank loan in 1949, and in the same year the United States successfully supported Yugoslavia's campaign for election to a nonpermanent seat on the UN Security Council, which was opposed every step of the way by the Soviet Union. Our policy makers clearly calculated that, although Tito did not coincide with their mental picture of the perfect ally, his geographic position and his symbolic refusal to bend the knee to Stalin made him, if not a positive asset to the West, at least well worth deducting from the support on which the Soviet Union could count. Never overlooked was the fact that Tito had some thirty divisions of troops; although thirty divisions would never stop the Russian army, they could serve the very useful purpose of immobilizing at least an equal number of Russians, who would thereby be removed from possible action in other trouble spots, of which there were an infernally large number around the world. Tito was not to be a blood-brother, but a place could easily be found for him in the American scheme of things. The whole matter of American-Yugoslav relations in this period has well demonstrated that in politics one does not usually choose between good and bad, but rather, especially in a crisis, between evils of varying degree.

POLAND

➤ *Yalta's Legacy.* Since 1945 the interest of the United States in Poland has been much the same as its interest in any other state that has found itself behind the Iron Curtain. But beyond that general concern have lain two of a specialized nature, stemming from the fateful Yalta and Potsdam conferences of February and August 1945.

At Yalta the Big Three agreed that:

The Provisional Government which is now functioning in Poland should . . . be reorganized on a broader democratic basis with the inclusion of democratic leaders from Poland itself and from Poles abroad. This new Government should then be called the Polish Provisional Government of National Unity. . . .

This Polish Provisional Government of National Unity shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot. In these elections all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates.²¹

Furthermore, the Big Three agreed that they would recognize and enter into diplomatic relations with this new government when it was set up.

➤ *Two Polish Governments.* Thus was the stage set for future disagreements. Already in mid-1944 the Soviet Union had announced the creation in Moscow of the Polish Committee of National Liberation, which at the earliest possible moment was moved to Lublin, Poland, and there claimed to be the only government to which Poles owed allegiance. It was clearly a Russian puppet. Meanwhile the Polish government-in-exile in London, headed by Premier Stanislaw Mikolajczyk, claimed that it was the only true government of Poland. Prior to the Yalta conference the Soviet Union had recognized the Lublin regime, but under the agreement quoted above it became necessary for the Lublin group to democratize and reorganize itself, and it was understandably loath to do so. A "free and unfettered election" is not ardently sought by the average dictatorial government.

The Soviet Union desired the admission of the Lublin government to the San Francisco Conference on International Organization in the spring of 1945, but the other sponsors of the meeting refused to concur, on grounds that there had not been compliance with the conditions specified at Yalta. Poland therefore was not represented at the conference, although provision was made for its later signature of the UN Charter. In the summer of 1945, however, numerous conversations took place in Moscow among the Lublin and London-exile governments and those of the Soviet Union and the United States, the United States being represented by Harry Hopkins. The result was that the Lublin

²¹ *Docs. Am. For. Rels., 1945-1946*, p. 922.

regime did reorganize itself appreciably, take into the cabinet Mr. Mikolajczyk and some of his supporters, and thus ostensibly fulfill at least part of the Yalta undertakings. On this basis, the United States extended recognition. It developed, however, that this reorganization had been only a tactical retreat on the part of the Lublin Communists, who proceeded to make life so miserable for the London faction that the latter shortly found themselves again in exile, in London or elsewhere.²² Thus matters returned in effect to the pre-Yalta status of rule by a Russian satellite government, and there they have remained. It was symbolic that, in November 1949, the Soviet Marshal Konstantin K. Rokossovsky was installed as Polish Defense Minister and thus supreme commander of all Polish armed forces.

Under the Yalta agreement, the Polish government was to be revamped on a democratic basis. Ever since 1945 the West has been carping at Russia and Poland that this pledge has gone unfulfilled. This argument demonstrated clearly the depth of the gulf between East and West; not only did they literally not speak the same language but terms once translated did not even carry the same connotations. To the Westerner, democracy necessarily involves the concept of free popular elections in which issues are decided by majority vote. To the Russian, democracy and rigged elections are not mutually antagonistic; the idea of democracy is commonly equated with the elimination of private property and the creation of a party-dominated "people's republic." The Russians, therefore, stoutly maintain that the Yalta agreement has been observed on this point; the United States as firmly maintains that here is still another Muscovite breach of faith. It is an argument which under present conditions cannot be settled.²³

six months later, at Potsdam. There the three powers stipulated that, although the final determination of Poland's western boundary was a matter for the ultimate peace conference, in the meantime there would be confided to Polish "administration" the formerly German territory lying east of the north-south line formed by the Oder and the western Neisse Rivers, plus the southern part of East Prussia. The northern half of East Prussia was to fall under the administration of the Soviet Union.²⁵ Thus the latter would have territory adjacent to Latvia, Lithuania, and Estonia, which the Soviet Union had seized in 1940.

Theoretically these were only temporary dispositions of territory, which would be adjusted or disallowed when the peace conference met, presumably not too long afterward. That conference was destined not to meet for some years, but even before that fact became apparent it was obvious that Poland was moving into the formerly German land to stay. The Potsdam agreement spoke of Polish "administration" of the area, clearly implying a sort of temporary guardianship. The Poles, however, frankly took the position that the area was and would remain theirs unless and until a foreign army routed them from possession. The permanence of Russian occupation of northern East Prussia has been indicated by the fact that the capital city, formerly called Königsberg, has been renamed Kaliningrad.

The United States has made no pretense of approving of these boundary dispositions; on the other hand, it has shown no intention of going to war to rectify them. It seems that German territory has been *de facto* awarded to Poland, and also that the groundwork has been laid for a future German government to set up an irredentist campaign.

THE EAST-EUROPEAN SATELLITES

➤ *The Yalta Declaration.* At Yalta in early 1945 the heads of state of the Big Three had joined in a "Declaration of Liberated Europe," in which they stated:

They jointly declare their mutual agreement to concert during the temporary period of instability in liberated Europe the policies of their Governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems.

The establishment of order . . . must be achieved by processes which will enable the liberated peoples to destroy the last vestiges of nazism and fascism and to create democratic institutions of their own choice. . . . By this Declaration we reaffirm our faith in the principles of the Atlantic Charter . . . and our determination to build in cooperation with other peace-loving nations world order, under law, dedicated to peace, security, freedom and general well-being of all mankind.²⁶

²⁵ Docs. Am. For. Rels., 1945-1946, p. 934; see also maps in *United States in World Affairs, 1945-47*, pp. 168, 450.

²⁶ Docs. Am. For. Rels., 1945-1946, pp. 920-921.

Justification for skepticism over all this sweetness and light was found in the actions of the Soviet Union and its satellites within a matter of weeks after this declaration was issued. Democracy and self-determination in eastern Europe were evidently to be tolerated only to the extent permitted and defined by Stalin's and Molotov's appraisal of the necessities of the defense and national interest of the USSR.

➤ *Soviet Power in 1945.* By the time of the German collapse, in the spring of 1945, the Soviet Union's armies, complete with Moscow-trained political organizers, were in actual occupation and therefore in control of the great bulk of eastern and central Europe. Theirs was not solely the military mission of defeating the Nazis but also the strategic one of establishing ostensibly independent governments which would have the appropriate eastward orientation and thus protect Russia's western frontiers.

The presence of Russian troops cannot be overstressed, for it has been abundantly demonstrated that in Europe no countries went voluntarily Communist. Those which took the plunge did it under pressure of either the actual presence of Soviet troops or the threat that such forces would be immediately moved in from across the border if such a step appeared in the interest of the Kremlin. Where Soviet troops were actually or constructively present, the countries went Communist; elsewhere, where free elections were permissible, as in France and Italy, they did not. This fact in itself is significant. It is especially so when one recalls the wartime debate between Churchill and Roosevelt concerning proper points of attack in an invasion of Europe. Churchill argued for an attack through the Balkans—a blow at the “soft underbelly,” in his phrase—but he was ultimately the loser in the policy decision. People will long speculate as to what the results might have been if the soft underbelly had been a point of attack, so that at the end of the war Allied troops had been in occupation of eastern Europe. Possibly communism would have failed to take root there; possibly a war of the Allies against the Soviet Union would have occurred at that point. Certain it is that the Balkans in the mid-twentieth century, as earlier, were the focal point where clashed the thrusts of rival imperialisms.²⁷

➤ *Bulgaria, Rumania, and Hungary.* Bulgaria, Rumania, and Hungary may be considered together, because of their similar histories in postwar years. Bulgaria in 1946 threw out its old monarchy and shortly thereafter installed a new constitution, which, like its governmental personnel, was Communist-inspired. In Rumania a Communist-dominated government was imposed on King Michael in early 1945; within three years the King had found the situation

²⁷ Russian interest in the Balkans was of course nothing new. During the war the British proposed that Rumania and Bulgaria could be regarded as in the Russian sphere if Greece could be looked upon as within the British. This was agreeable to Stalin; Roosevelt was noncommittal. On this and other Russian territorial ambitions in this region, see Isaac Deutscher, *Stalin* (Oxford University Press, 1949), p. 515; Cordell Hull, *The Memoirs of Cordell Hull* (Macmillan, 1948), Vol. II, pp. 1165-1174, 1451-1461; James F. Byrnes, *Speaking Frankly* (Harper, 1947), pp. 53, 104-105.

unbearable and had abdicated. In 1948 a typically rigged election was held in which the Communist party and its affiliates won over 95 percent of the parliamentary seats, and a new constitution was adopted which was satisfactory to the new overlords.²⁸ In Hungary a tactical blunder was committed in that a free election was permitted in late 1945, which resulted in a parliamentary majority for the anti-Communist Smallholders party, led by Ferenc Nagy. Within eighteen months, however, it was conveniently discovered while Premier Nagy was on a Swiss vacation that he and his supporters had been plotting against the security of the state, and he was forced out. Three months thereafter a new election was held, in which the Communists emerged as the largest single political party.²⁹

Through all three episodes run several common threads. In each country Soviet troops were present and provided effective moral suasion. In each the Communist members of the government first obtained certain key posts, such as the ministries of interior, justice, and defense, and shortly thereafter managed to ease out the representatives of other parties. In each a "people's democracy" was set up under a Russian-style constitution which permitted the outlawry of opposition parties and the suppression of freedom of speech and press. By 1948 each of the three countries had been converted into a sycophantic satellite state.

➤ *Czechoslovakia.* The situation in Czechoslovakia was somewhat different. The government of this state, under liberal democrats such as President Eduard Beneš and Foreign Minister Jan Masaryk,³⁰ had a decidedly Western orientation, and it was inconceivable to many that the country could ever go Communist. However, in 1943, President Beneš had signed an alliance with the Soviet Union. This step had been motivated in part by the pan-Slav feeling in the two states, in part by mutual antipathy to Hitlerite Germany, and in part by the bitter Czech memory that in 1938 its Western "friends" had sold it down the river at Munich, whereas the Soviet Union had been the sole major power which had indicated any interest in saving Prague from Berlin.³¹

At the end of the war it appeared that Czechoslovakia might continue its democratic way through the usual postwar difficulties. The Communist party was powerful—indeed, in the elections of 1946 it obtained 38 percent of the

²⁸ This situation presented an interesting contrast to the statement of Foreign Secretary Molotov on April 2, 1944, in which he announced that Soviet troops had fought back to the boundary between the USSR and Hitler's satellite, Rumania: "... the Soviet government declares that it does not pursue the purpose of acquiring any part of Rumanian territory or of changing the social system existing in Rumania, and that the entry of Soviet troops into Rumania is dictated exclusively by military necessity and by the continued resistance of enemy troops." *Docs. Am. For. Rels., 1943-1944*, p. 652.

²⁹ See H. F. Arthur Schoenfeld, "Soviet Imperialism in Hungary," *Foreign Affairs*, Apr. 1948, pp. 554-566; Paul E. Zinner, "Marxism in Action," *ibid.*, July 1950, pp. 644-658.

³⁰ The son of the founder of modern Czechoslovakia, Thomas G. Masaryk.

³¹ See Edward Taborsky, "Beneš and the Soviets," *Foreign Affairs*, Jan. 1949, pp. 302-314.

The treaty with Italy has been discussed elsewhere. That with Finland was severe in its reparations and cession-of-territory requirements, but it has not materially disturbed international relations since 1947. The same cannot, unfortunately, be said of the treaties with Bulgaria, Rumania, and Hungary, and therefore we turn to them.

Each of the treaties with the Bulgarian, Rumanian, and Hungarian governments contained reparations clauses: 70 million dollars to be paid by Bulgaria and 300 million dollars by each of the others.³⁴ Some territorial cessions were made or confirmed.³⁵ Top limits on military and naval personnel were fixed: 138,000 for Rumania, 70,000 for Hungary, and 65,500 for Bulgaria. Each of the three countries was bound by its treaty, furthermore, to permit to all under its jurisdiction ". . . without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting."

➤ *Human Rights.* Scarcely had the treaties with Bulgaria, Rumania, and Hungary gone into effect when allegations of malfeasance were made. For one thing, the Western powers protested that the three satellites were building up their armed forces beyond treaty limits. But the longest-lived of the objections has been to the obvious violation of the "human rights and freedoms" guarantee quoted above.³⁶

It was perhaps to be expected that purges of civil servants would take place when the new Communist regimes took power. These have indeed occurred, and with considerable force and brutality. Numerous natives and foreigners have been arrested, tried, and imprisoned for crimes that appeared, to say the least, very dubious to the outside world. Usually the accused was charged with treason, conspiracy, espionage on behalf of a foreign power, or black-market and currency manipulations. In most instances, far from defending himself, the accused groveled before the trial judge, confessed to more than had been alleged against him, implied that his offense placed him beneath contempt and made him altogether deserving of whatever penalty was assessed. Such behavior strikes the Western mind as immensely curious, but no completely

³⁴ Summaries of the treaties will be found in *Decade of American Foreign Policy*, pp. 486, 492-493, 500. Full texts will be found in *Current History*, Mar. 1947, pp. 243-283; the text of the treaty with Finland is in *ibid.*, pp. 283-294. All five of the 1947 peace treaties are reprinted by the U. S. Department of State in *Treaties of Peace with Italy, Bulgaria, Rumania and Finland* (GPO, 1947), European Series 21. For a good discussion of their negotiation, see *United States in World Affairs, 1945-47*, pp. 115-125, 132-145, 446-453.

³⁵ A list of the cessions and an illustrative map appear in *United States in World Affairs, 1945-47*, pp. 450-451. For a general survey of the subject indicated by the title, see Russell H. Fifield, "The Postwar World Map: New States and Boundary Changes," *American Political Science Review*, June 1948, pp. 533-541.

³⁶ For examples of protests by the United States, see *Docs. Am. For. Rels.*, 1948, pp. 624-625, 648-651; *ibid.*, 1949, pp. 655-657. See also *Decade of American Foreign Policy*,

satisfactory explanation has been given of how the secret police manage to obtain such compliant confessions.³⁷ In 1948, for example, a Roman Catholic prelate, Cardinal Mindszenty, was arrested in Hungary and obediently confessed; in the following year fifteen Protestant ministers went through a similar procedure in Bulgaria.

Further violations of the human-rights provisions of the peace treaties occurred in the handling of foreigners by domestic police. Thus there were increasingly severe limitations on the freedom of movement of American diplomatic personnel in the satellite countries, as well as irritations in the form of censorship and shadowing by the police twenty-four hours a day. Two episodes generated especially great heat. One was the arrest in Hungary in 1949 of Robert Vogeler, an American businessman, on charges of espionage and similar matters. Nearly two years elapsed before the government of the United States was able to obtain his release.³⁸ In 1951 Americans were highly exercised when the Hungarian government forced down a United States Army plane that had inadvertently crossed the Hungarian frontier while en route from Germany to Yugoslavia. The four members of the crew were charged with espionage and intent to sabotage; after weeks of detention they were brought to trial and sentenced to three months in jail or a fine of \$30,000 each. Clearly the Hungarian government was holding them for ransom, which the United States government paid. It was at about the same time that Secretary of State Acheson, speaking of Communist China, uttered the exasperated opinion that its "... international conduct . . . was so low that it would take considerable improvement to raise it to the general level of barbarism," and many Americans felt that the same sentiment could properly be applied to the eastern-European satellites.

In these and many other cases it appeared that the Soviet conception of law as the tool of the dominant social class was being applied in the satellites as well as in the home country. The Soviet Foreign Minister had some time since written a book called *The Law of the Soviet State*, in which he had expounded this theme:

tory rumbles of an eruption. Then the Russian government demanded that the Turkish provinces of Kars and Ardahan, which were on the Russo-Turkish frontier and which prior to 1918 had been Russian, be returned.

➤ *The Montreux Convention.* At Montreux in 1936 had been negotiated the most recent in a lengthy series of treaties providing for international limitations on Turkey's management of the Straits. It established the principles that (1) merchant ships could pass through the Straits in peace or war, (2) warships could pass when Turkey was not at war, (3) Turkey had the right to fortify the area, and (4) these arrangements would be guaranteed by Turkey, Russia, Bulgaria, Rumania, Yugoslavia, Greece, France, Great Britain, and Japan. Turkey's sole responsibility for the defense of the Straits was clearly recognized.⁴⁹

The Russian government now demanded that a new regime be instituted, consisting of Turkey and the powers fronting on the Black Sea (USSR, Bulgaria, and Rumania), and that the Straits be made a matter of joint Turko-Russian defense.⁵⁰ Its position was the entirely comprehensible one that the Straits were as vital to its defense as was the Panama Canal to the defense of the United States. The Turks, however, would have none of this proposal, and in this position they were supported by the United States, Britain, and France. Clearly the principal guarantors of any such arrangement would be Turkey and Russia, and which one of these would speedily assume a status of superiority could scarcely be doubted. Furthermore, joint defense of the Straits would in actuality mean Russian bases and troops on Turkish soil, which would afford a marvelous opening for the sort of subversion which the Communists had lately been practicing with regard to Azerbaijan, in Iran. Small wonder that, although the Turks were amenable to some revision of the Montreux regime, they should be opposed to the Russian terms.

➤ *Stalemate.* The Russian demand was made and was refused. The government of the United States warned the Soviet Union against forcing the issue, under threat of bringing the UN Security Council into the picture; thus the possibility was raised of a seriously anti-Russian world press, which presumably the Kremlin preferred to avoid. At any rate, the Turkish government, being far stronger and more stable than the contemporary regime in Iran or Greece, was able to stand its ground, mobilized its army, was backed up by the United States, and weathered the storm. The American government indicated a desire for internationalized UN control over the Straits, but the point was not pressed energetically.

The Soviet Union eased its pressure, but this is not to imply that it lost

⁴⁹ For the texts of the Montreux and other conventions, plus diplomatic correspondence pertinent to Russian demands for revision, see *The Problem of the Turkish Straits*, Dept. St. Publ. No. 2752 (GPO, 1947).

⁵⁰ See *United States in World Affairs, 1945-47*, pp. 146-152; for relevant correspondence, see *Decade of American Foreign Policy*, pp. 902-905.

interest in the Straits; far from it. Since 1946 several Russian trial balloons have been sent up and promptly shot down, and the anticipated revision of the Montreux convention has not taken place. The matter is currently quiet, but no responsible diplomat could be led to believe that he had heard the last of it. In accordance with the well-known Russian tactic of probing for diplomatic soft spots and withdrawing when resistance is encountered, one may anticipate that the question will be kept alive and reopened when and if the Soviet Foreign Office considers the chances of attaining its ends to be better.

➤ *Western Interests in Turkey.* It is to be remembered that the Truman Doctrine was enunciated with regard to precisely the situation just discussed as well as to the guerrilla conditions in Greece. President Truman's 1947 pledge of military aid to Turkey was designed specifically to warn the Kremlin that the United States was vitally interested in the eastern Mediterranean and had no thought of allowing it to fall into hostile hands. This statement, backed up by the military assistance that followed, must undoubtedly be given major credit for stalling the Soviet machine on this particular road. The Kremlin well understands the language quietly spoken by the United States when in 1946 American naval vessels went to the eastern Mediterranean "on a training cruise."

Other indications of the importance of Turkey to the West are found in the inclusion of that country in the European Recovery Program and in its admission to the North Atlantic Treaty Organization. It is difficult to visualize Turkey as an Atlantic country, but its defense and independence are essential to the defense of those countries whose shorelines are lapped by the Atlantic Ocean.

CONCLUSION

We have now surveyed some of eastern Europe's troubles since 1945 and noted the concern of the United States with them. What is their significance? Obviously they prove again that the aftermath of a war is never smooth. They demonstrate the expansionist attitude of the Soviet Union, about which more will be said in the following chapter. But their significance for the United States goes deeper.

Troubles roughly similar to those recounted in the preceding pages occurred in the years after World War I. The "Succession States" and the Balkans, it seems, have almost always been in turmoil. But after 1920 the United States affected unconcern. Problems such as those we have just discussed were to be solved by Downing Street or the Quai d'Orsay. But after 1945 the United States succeeded to the position formerly occupied by the British and French, both of whom were so greatly enfeebled by the war as to be unable to assume strong leadership. Central and eastern Europe after 1945 manifestly provided plenty of sparks to blow up the traditional powder keg of the area. If peace were to be maintained, some outside force evidently had to step in. What outside force

west of Russia had the power to intervene? What state had more at stake in the maintenance of European and therefore world peace than the United States? We were reluctant to act, for we were long unwilling to believe that the Soviet intentions in Europe were as expansionist and revolutionary as they have now been shown to be. Experiences of 1945 and 1946 taught bitter lessons, and by 1948 at the latest the country had a clear idea of the desires and might of its opponent.

One other thing should be recalled in this connection. The Russian expansion took place in 1945-1948. When the Truman Doctrine and the Marshall Plan took hold, the Communist tide ebbed in Europe. That it flowed again in Asia does not detract from the importance of the ebb in Europe.

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THE UNITED STATES, THE SOVIET UNION, AND THE COLD WAR

IT WILL HAVE BEEN long since noted by the reader that the story of the recent relations between the United States and the Soviet Union is one marred by myriad conflicts.¹ Even during World War II, when the two were allies, cooperation between them was less than wholehearted and cordial. This was evident, for example, in Russian refusal to permit American military men free access to the Russian front, and in the short life of the experiment with shuttle-bombing of Germany by American planes operating from Western bases across Germany to land in Russian territory. Even then there was more than slight Russian suspicion of "capitalist spies." This was true in spite of the immense amounts of lend-lease equipment sent to the Soviet Union, which ranked second only to the British Empire as a recipient of such materials; of lend-lease totals of 50.7 billion dollars, 31.4 billion dollars went to the British Empire and 11.3 billion dollars to the USSR. France and its possessions came third, with 3.2 billion dollars.² Reverse lend-lease, incidentally, amounted to 6.75 billion dollars from the British Empire, as compared with 2.2 million dollars from Russia.

After 1945 relations deteriorated rapidly. This point need not be labored here, for it is implicit in most of the episodes related in the two preceding chapters, and it will reappear in the discussion of the United Nations.³ During 1945 and most of 1946 there was still real hope in the West that working arrangements could be made with the Soviet Union. Western diplomats may not have expected that relations would be marked by effusive cordiality, but there did

¹ There are scores of books bearing upon this general subject; the Selected References on pp. 193-194 include a few of the better ones.

² *Docs. Am. For. Rels.*, 1945-1946, pp. 154-156.

³ The lack of postwar unity was accurately forecast by one prominent student of Russia, who stated in a book published in 1945: "The predominance of the Big Three cannot be durable. A wartime combination, it will end soon after the war. . . . The war did not eradicate the divergences of international interests, it did not abolish coalitions, alliances, rivalry and power politics. It did not achieve these goals because no war can achieve them." David J. Dallin, *The Big Three* (Yale University Press, 1945), pp. 282-283. Reprinted by permission of the publisher.

seem reason to believe that East and West could manage to avoid eternally rubbing each other the wrong way. In these days the Rooseveltian attitude prevailed: it held, in effect, that, although the Russians were crude people with whom to deal and demanded far more than they gave in return, they could be brought around to a reasonable point of view if the West were patient.⁴ However, it appears that even Roosevelt, by the time of his death, had become sated with Stalin's unilateral demands and had determined, as a result of years of experience, that the time had come to "get tough." The new team of Truman and Byrnes, being novices, had to learn the lesson for themselves. By 1947, however, they had done so, and they were ready to bargain more harshly with the Kremlin's representatives. In 1947 one heard more about firmness and less about patience on the part of Western diplomats.

NATURE OF THE COLD WAR

➤ "World War 2.5." Someone has waggishly spoken of the international conditions of the period after 1945 as "World War 2.5"; this is a realistic name for the turn of events that we usually refer to as the Cold War. By it we mean that World War II is over, and that happily there is no indication that World War III is necessarily just around the corner. Shooting by armies is not going on—at least not on a grand scale—and yet the international tranquillity that one associates with peacetime is not apparent either.

In the Cold War many of the same things are at stake as in an orthodox war: markets, strategic raw materials, territory, naval and air bases, allegiances of peoples, and the other factors that make up that thing we know as "national power." The weapons used are not primarily military; they are diplomatic understandings and alliances, economic assistance or antagonism, propaganda, infiltration, and subversion. This surely is one reason why the Cold War is often so difficult to comprehend: it is easy to understand the function of an artillery piece or of a bomber, but the weapons of the Cold War are politico-economic-psychological imponderables, which often baffle even their expert users. The military weapons are by no means forgotten, although they are held in abeyance in hopes that their employment will not prove necessary; the contest is carried on by the less lethal but more complicated arsenal of the economist, the statesman, and the psychologist.

Not only are the tools complex, but so is their mission. The oft-quoted statement of Winston Churchill, although made in 1939, is still apropos: "I cannot forecast to you the action of Russia. It is a riddle wrapped in a mystery

⁴ Roosevelt is quoted as having said that "The Russians aren't quite house-broken yet—but they are a very good breed of dog." John Fischer, *Master Plan USA* (Harper, 1951), p. 46. For a more detailed treatment of this theme, see an article which is reported to have been inspired by the White House: Forrest Davis, "Roosevelt's World Blueprint," *Saturday Evening Post*, Apr. 10, 1943, p. 20.

in the Russo-Japanese War and the ensuing Treaty of Portsmouth, in 1905.⁵ However, it was not until after 1945 that technological developments in the science of war made a Russian-American war physically possible.

World War II hurt the Soviet Union immensely; it has been estimated, for example, that the country may have lost as many as twenty million persons, in addition to suffering incalculable millions' worth of property damage. Yet its territory, natural wealth, and vigorous manpower were impressive even after the war's holocaust.⁶ And the rest of the world had to reckon with the Soviet Union's "civilizing mission": the professed duty of its leaders to spread the gospel according to Marx throughout the world. Capitalism, according to accepted Muscovite folklore, was bound to collapse because of its inner rottenness, and presumably the economically and politically unsettled conditions that followed World War II would push Western capitalism so near to the precipice that not much of a push would be required to send it over.⁷ All this should facilitate the communization of Europe.

The United States also suffered grievously from World War II: battle deaths numbered some 325,000 and the direct financial cost totaled about 350 billion dollars;⁸ yet the nation emerged in many respects stronger than it had been in 1940. Its factories had never been bombed; rather, they were running full blast, with modern equipment, and they had been expanded to almost double their prewar capacity. Beyond this, the United States had become the world's major banker, manufacturer, merchant, and customer, with a diversity of interests scattered literally all over the face of the globe. The United States and the Soviet Union, as the only two major powers, could almost regard fundamental conflict as inevitable. Furthermore, if it did come it would be no "bush league" affair, but one of Goliath vs. Goliath.

➤ *The Reluctant Dragon.* The United States has traditionally been reluctant to assume any responsibilities vis-à-vis Europe, and it would have preferred in 1945 to return to prewar normalcy and to let Europe go its own way. The fates decreed otherwise. Humanitarian considerations impelled Americans to do something to aid the peoples of shattered Europe. The search for markets and raw materials resulted in further concern with Europe. The threat to the peace acted still more directly. As the world's richest nation, the United States had more of a "stake in society," or more to gain by world peace, than any other nation in the world. Conversely, none could lose more by the war

⁵ On American-Soviet friction, see Thomas A. Bailey, *America Faces Russia* (Cornell University Press, 1950), pp. 289-334; Dallin, *op. cit.*, pp. 235-269.

⁶ See George B. Cressey, *The Basis of Soviet Strength* (Whittlesey House, 1945).

⁷ A good examination of several basic Marxist assumptions and a refutation in which it is shown that they have not worked out in practice are given by Barbara Ward in *The West at Bay* (Norton, 1948), pp. 56-75.

⁸ It is estimated that the indirect costs of World War II to the United States, including such long-range items as pensions, may run to something in the neighborhood of 1300 billion dollars.

which, amazingly enough, loomed on the horizon of the late 1940's even before treaties had officially ended the last war. It rapidly became apparent to an astonished American citizenry that the power vacuum in Europe was being filled by the Soviet Union, whose tentacles were reaching ever westward toward the Atlantic and therefore toward the very front door of the United States. In fulfillment of the instinct of self-preservation, the United States was propelled into European activity and leadership. Said President Truman in 1947 in announcing what came to be known as the Truman Doctrine:

One of the primary objectives of the foreign policy of the United States is the creation of conditions in which we and other nations will be able to work out a way of life free from coercion. . . . We shall not realize our objectives, however, unless we are willing to help free people to maintain their free institutions . . . against aggressive movements that seek to impose upon them totalitarian regimes. This is no more than a frank recognition that totalitarian regimes imposed on free peoples . . . undermine the foundations of international peace and hence the security of the United States. . . . The free peoples of the world look to us for support in maintaining their freedoms. If we falter in our leadership, we may endanger the peace of the world—and we shall surely endanger the welfare of our own nation. Great responsibilities have been placed upon us by the swift movement of events. . . .⁹

The United States was undertaking leadership in Europe not so much in the name of a great moral crusade as to protect itself through aid to those on the firing line.¹⁰

SOVIET WEAPONS IN THE COLD WAR

➤ *Propaganda.* Surely no tool in the Cold War has been used more consistently than propaganda in its varying forms; and, although much of it appears to Americans to be crude and absurdly farfetched, there is no denying that it has had great influence in many countries. Americans weary of being called fascists, capitalist slave drivers, imperialists, and warmongers, and they scarcely realize that such accusations can be taken seriously. But in the Far East, for example, such propaganda is likely to have, and indeed has had, real effect. The Asiatic man in the street does not distinguish between good Americans and bad Americans. The ill deeds and discourtesies perpetrated by white men on

⁹ *Docs. Am. For. Rels.*, 1947, pp. 6-7.

¹⁰ It should not, of course, be inferred that all Americans agreed with such a policy. Many looked with equanimity on the possibility that the Soviet Union might overrun western Europe and were convinced that it presented no great danger to the security of the United States, so long as the Western Hemisphere was protected. This point of view has been assumed, for example, by former President Herbert Hoover; see his speeches of December 20, 1950, and February 9, 1951, reported in the *New York Times* on the following days. Extensive excerpts from the second speech are printed in *The Reader's Digest*, Apr. 1951, pp. 9-14. Another expression of dismay at the course the United States was taking at about the same time was the book of Senator Robert A. Taft, *A Foreign Policy for Americans* (Doubleday, 1951).

yellow and brown men through many decades are commonly taken as typical of what the East can expect at the hands of the West, and the hospitals, missions, and other good works are forgotten. We of the West must recognize that our reputation with a large proportion of the Asiatic masses is extremely bad, and that they are quite ready to believe no end of horror stories in which we are made the villains. What is worse, we cannot in all honesty deny that many of our race and of our nations have in truth been guilty of gross injustices toward Asiatics. Whether these deeds were or were not typical of all of us is a nice question with which the Asiatic, newly conscious of nationalism and individual self-respect, will not concern himself. The white man would do well humbly to remember that his race is only a small minority of the world's population.

Soviet propaganda is not directed exclusively to the Far East, of course, but to all other areas of the world as well, where old rancors may be exhumed and salt rubbed in old wounds. Trouble can easily be made for the West, and all the more so if the propagandist is not bothered by ethical scruples or by a high proportion of falsehood in what he says. We do not know how much is spent annually by Russia and its satellites in their propaganda campaigns, but it is certain to be an enormous sum.

An English diplomat of wide experience recently decried the decline in the niceties of international intercourse, which he attributed largely to the Soviet Union, and vividly described the latter's diplomatic behavior as "the style of an aggressive drunk."¹¹ A gentleman who has had to deal with a drunk knows something of the disadvantageous position in which the Western diplomats have often found themselves in fighting the Cold War.

Along with propaganda go other weapons of the Cold War: sabotage, espionage, infiltration, and intimidation. Russian-inspired espionage on American atomic-bomb projects is too recent and well-known to require emphasis, as is Communist infiltration of governmental and private organizations and creation of "fronts" of an ostensibly respectable nature.¹² Intimidation can take the form of politically inspired strikes, as in France and Italy in 1947, or of a wave of statements such as the following, made by national Communist leaders William Z. Foster and Eugene Dennis in 1949:

If, despite the efforts of peace forces of America and the world, Wall Street should succeed in plunging the world into war, we would oppose it as an unjust, aggressive, imperialist war, as an undemocratic and an anti-Socialist war, destructive of the deepest interests of the American people and all humanity.

¹¹ Lord Vansittart, "The Decline of Diplomacy," *Foreign Affairs*, Jan. 1950, p. 178.

¹² The disproportionate size of the staffs of USSR diplomatic and consular missions in the United States and many other countries has generally been taken as evidence that a large percentage of this manpower was devoted to espionage rather than to the more routine foreign service functions.

Even as Lincoln while a Congressman opposed the unjust, annexationist Mexican War and demanded its termination, so would we Communists cooperate with all democratic forces to defeat the predatory war aims of American imperialism and bring such a war to a speedy conclusion on the basis of a democratic peace.¹³

The Cominform has been most useful in connection with such matters as these.

Along with a welter of warlike threats and with maintenance of large standing armies has gone, incongruously enough, a Russian campaign for peace. Relying on the well-known popular longing for that elusive status, the Communist leaders have had a fair measure of success in portraying themselves as the true proponents of peace, who would really bring it about if only the Western warmongers would permit them to do so. So insistent has been this propaganda that the very word "peace" has almost come to be regarded as the copyrighted trademark of the Kremlin. Conveniently disregarding the methods used in hanging its own Iron Curtain around numerous countries, the Soviet Union has energetically pointed out the allegedly aggressive nature of the Marshall Plan, the North Atlantic Treaty, and numerous other programs of recent years, so as to build up in the minds of unsophisticated people the stereotypes of the peaceful Russian and the bloodthirsty Englishman and American. For example, in 1949 the Cominform released the following communiqué:

During the past two years two different lines of policy have evolved, since the formation of the COMINFORM:

The line of the democratic anti-imperialist camp headed by the USSR, the camp which conducts a persistent and consistent struggle for peace among the peoples and for democracy.

And the line of the imperialist anti-democratic camp headed by the ruling circles of the United States, the camp which has for its main aim the forcible establishment of the Anglo-American world domination, the enslavement of foreign countries and peoples, the destruction of democracy and the unleashing of a new war.¹⁴

This campaign has been furthered by numerous international "Peace Congresses," all Soviet-sponsored, Soviet-managed, well advertised, and designed to enhance the reputation of the Russian angel of peace. A new angle was introduced in 1950: the "Peace Appeal" which originated with the Stockholm Peace Congress demanded the unconditional prohibition of atomic weapons. The appeal was circulated the world over and was reportedly signed by more than 500 million persons. It represented adept use of the Soviet-American

¹³ *New York Times*, Mar. 3, 1949, p. 1. Communist leaders in other countries were even more explicit in expressing their loyalty to the USSR in case of war between their countries and the USSR.

¹⁴ *Docs. Am. For. Rels.*, 1949, pp. 652-653. See also *United States in World Affairs*, 1950, pp. 153-160; and John D. Hickerson, "The Phony 'Peace' Offensive," *Department of State Bulletin*, May 7, 1951, pp. 731-735.

dispute over the control of atomic energy. The United States proposed international control, which was unacceptable to the Russians, who countered with a demand for immediate abolition of all atomic-bomb stockpiles; to this the reply was in effect that in a world endangered as it was by the threat of Communist aggression a nation that possessed such a weapon and destroyed the defensive value thereby obtained would be guilty of criminal negligence of its own defense. True and unaggressive as this stand might be, it left the way open for the opposing propagandist to paint the United States as the would-be aggressor who sought world hegemony under the threat of "atomic diplomacy."

➤ *The Iron Curtain.* Another form of the Cold War has been the extension of Soviet control of its satellite countries in eastern Europe. In a renowned speech, one of the greatest orators and phrasemakers of our century, Winston Churchill, referred to the fact that:

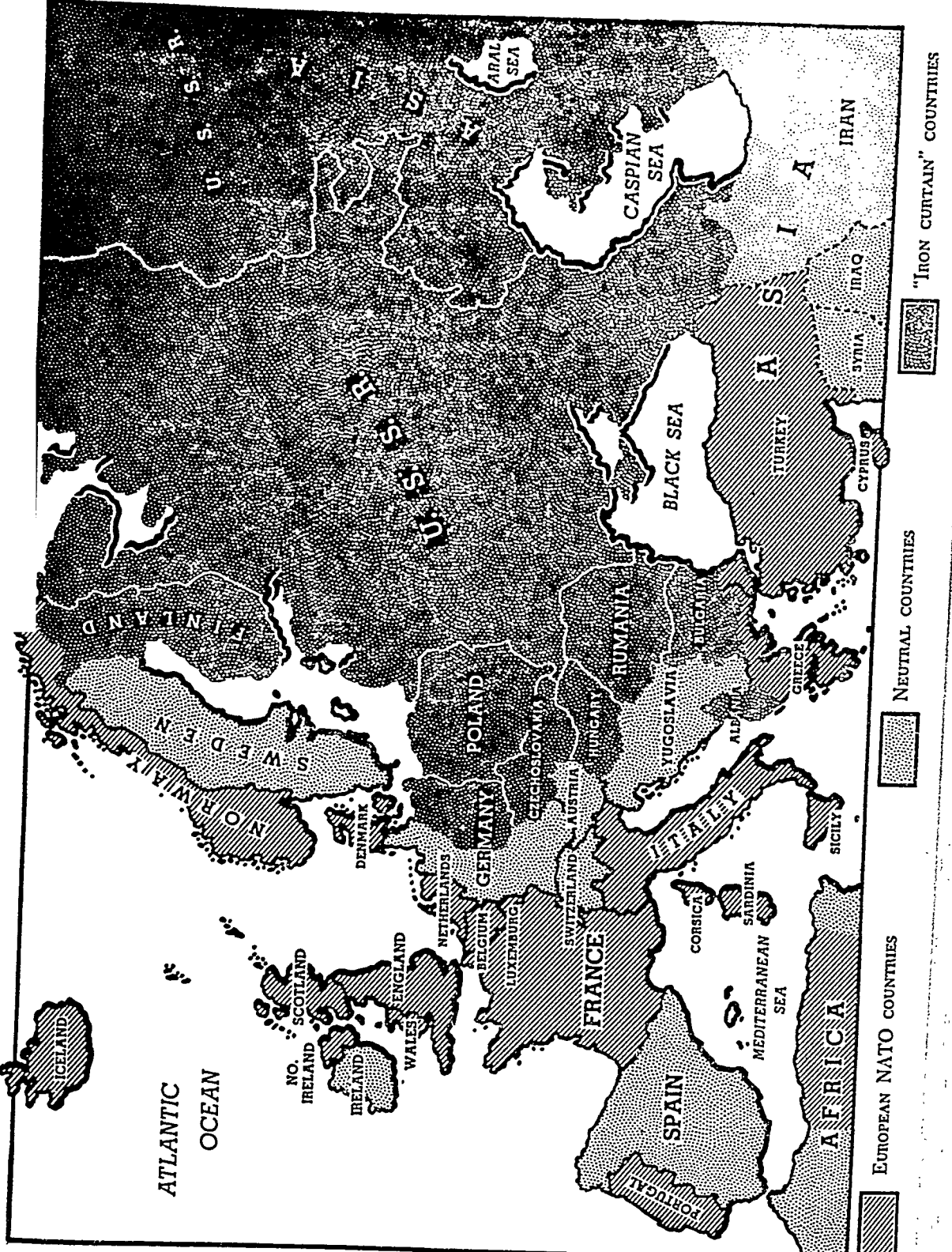
From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the continent. Behind that line lie all the capitals of the ancient states of Central and Eastern Europe. Warsaw, Berlin, Prague, Vienna, Budapest, Belgrade, Bucharest and Sofia, all these former cities and the populations around them lie in the Soviet sphere and all are subject in one form or another, not only to Soviet influence, but to a very high and increasing measure of control from Moscow.¹⁵

Control of the countries behind the Iron Curtain has been maintained by a variety of devices. Prominent among them has been the practice, originated years ago, of selecting trusted Communist leaders from national parties, taking them to Moscow for indoctrination and training over a period which often has been several years long, and then at the opportune revolutionary moment returning them to the lands of their origin as trusted envoys of the Kremlin, to lead the new governments in the proper directions. These leaders naturally are bolstered by the local Communist parties, which are traditionally subject to the direction of the parent organization in Moscow. This technique was utilized in the days of the Communist International (Comintern) and it evidently still is, now that the Cominform has succeeded to at least some of the functions of its predecessor. Means of control that spring up in a country along with a Communist government are, of course, secret police, control of press and labor unions, and a constitution revised along Russian lines.

➤ *Intervention.* An old principle of international law and practice holds that no sovereign state should interfere in the domestic affairs of any other sovereign state, and every government in the world on occasion pays lip service to the idea.¹⁶ It is also true that every government of any size fairly consistently

¹⁵ From the speech made at Westminster College, Fulton, Missouri, on March 5, 1946. This was the first reported use of the term "Iron Curtain." Text in *United States News*, Mar. 15, 1946, pp. 67-70.

¹⁶ Soviet ambassador to London Ivan Maisky said in 1941: "The Soviet Union has applied, and will apply, in its foreign policy the high principle of respect for the sovereign



violates the principle. Each states the principle, each violates it, and each condemns another when another violates it. As we shall see when we turn our attention to the United Nations, the problem has arisen there, too. The UN may take action under its Charter in matters affecting the peace of the world, but it is forbidden to interfere in matters within the domestic jurisdiction of its members; yet it is precisely in matters of domestic jurisdiction that threats to the peace may most easily arise. Since it is clear that the Soviet Union has interfered in the domestic affairs of the countries behind the Iron Curtain, and since it is equally clear that the United States has often done likewise in various Latin American states and more recently in Greece, Italy, and other countries receiving Marshall Plan aid, it would seem that a good case might be made for the argument that the old principle of nonintervention should be shelved as no longer applicable.¹⁷ It has become a fetish which is inconsistently handled by all major nations.¹⁸

➤ *Economic Unity.* Be that as it may, it is clear that the economies of the satellite states are geared to that of the Soviet Union by the expedient of exchange and export-import control. The mother country assures itself that it will receive first call on whatever desired materials are produced in the states within its sphere of influence, and thus it tends to build up an economic bloc comparable to the political one. Trade between satellites and the Western states is restricted to the feasible minimum: the Western states are thereby deprived of materials or markets upon which they had previously depended, and the satellite is bound ever more closely to the Russian economy. The economic control of the Kremlin was clearly demonstrated in 1948, when it forbade Czechoslovakia, Poland, and other east-European states to participate in the European Recovery Program, and in early 1949, when it created the Council for Mutual Economic Assistance to administer the "Molotov Plan," under which the satellite states could render to "... each other technical assistance [and] ... mutual aid in supplies of raw materials, food, machinery, equipment, etc."¹⁹

rights of peoples. The Soviet Union was, and is, guided in its foreign policy by the principle of self-determination of nations." Quoted by Max M. Laserson, in *Russia and the Western World* (Macmillan, 1945), p. 187. Representatives of the United States government have expressed similar sentiments any number of times.

¹⁷ A good statement of this case is that by James Reston, "'Intervention' by U.S. Raises a Sharp Issue," *New York Times*, Mar. 23, 1952, p. E5.

¹⁸ American lack of consistency in this matter became apparent in a statement of Senator Connally before a UN Assembly Committee in 1946: "The attitude of the United States toward the Franco regime is well known . . . we are unalterably opposed to the Franco regime. . . . We are opposed to Franco and welcome any democratic change in Spain. . . . We shall take part in any necessary action against the Franco regime, under the UN Charter, if and when this regime becomes a threat to international peace and security. . . . The United States is fully committed to the fundamental principle of non-intervention. It is a basic tenet of our foreign policy. Our resolution in no way violates this fundamental principle. . . . We are not here proposing intervention. . . ." *Docs. Am. For. Rels., 1945-1946*, pp. 889-890. Obviously the question of what does or does not constitute intervention can be the subject of lively debate.

¹⁹ *United States in World Affairs, 1948-49*, p. 204; *Int. Org.*, May 1949, p. 407.

The United States indirectly contributed to this end, by reducing greatly its trade with the USSR and its satellites through denial to them of the tariff reductions otherwise available under the Reciprocal Trade Agreement Act.²⁰

➤ *Alliances.* Along with this considerable measure of economic unification goes an intricate network of politico-military alliances between the USSR and the satellites, and among the satellites themselves, so that each is bound to almost all the conceivable combinations of the others.²¹ The tendency here, as in the economic sphere, is not only to bind the bloc closer together but to isolate it from western Europe and thus to provide even greater cohesion.

➤ *The Red Army.* As previously indicated, no country has gone Communist as the result of a free election. Each of the Iron Curtain countries entered the Soviet orbit under pressure of the presence of Russian troops either in actual occupation of the country, as in east Europe at the close of the war, or in occupation of surrounding states and prepared to march in on a moment's notice, as in Czechoslovakia. Thus the Red Army has been an indispensable tool of Soviet policy in the Cold War. No one, apparently, appreciates this significant fact any more than the central committee of the Russian Communist party itself; in the 1948 controversy over the apostasy of the Yugoslav Communists under Tito, that committee wrote that the fact that Communists had had less success in France and Italy than in Yugoslavia

... cannot be explained by some extraordinary qualities in the Yugoslav Communist party, but mainly by the fact that ... the Soviet Armies rushed along to the assistance of the Yugoslav people, broke down the resistance of the German occupying army, freed Belgrade, and thus ... created the preconditions needed in order to open the way for the Communist party to power. It is a matter for regret that the Soviet Army did not and could not give this same help to the French and Italian Communist parties.²²

Clearer and more authoritative recognition of the role of military force in international relations could scarcely be asked.

➤ *Territorial Expansion.* The growth of the Soviet Union since 1940 has truly been great. The country acquired small but strategic areas from Finland in 1940, and in the same year occupied Estonia, Lithuania, and Latvia; these acquisitions were not aspects of the Cold War, but they should be recalled in an appraisal of the recent policies of the USSR. The United States has never recognized the legality of Soviet conquest of the three Baltic states, but the acquisition is nonetheless real.²³

²⁰ For termination of reciprocal trade agreements with the USSR and its satellites, see *Department of State Bulletin*, July 16, 1951, pp. 95-96. For a good survey of the Russian economic policies toward the countries within its sphere of influence, see Dean, *op. cit.*, pp. 208-234.

²¹ For detailed lists of such alliances, see *United States in World Affairs, 1947-1948*, p. 449; *ibid.*, 1948-49, p. 115; see also *ibid.*, 1947-48, pp. 444-452.

²² Quoted in *United States in World Affairs, 1948-49*, p. 38.

²³ In view of these events of 1940, there is bitter humor in the idealistic official Russian

After 1945 came the Cold War and the great growth of Russian empire: a major area of eastern Poland was taken over outright, and eight states came under the Kremlin's supervision. Although the latter are not Russian in terms of territorial ownership, they most certainly are in the more significant terms of direction of policy.²⁴ The countries that fall into this category are Albania, Bulgaria, Czechoslovakia, East Germany, Finland, Hungary, Poland, and Rumania. They have an area of 560,000 square miles and a population approaching 100 million, which have been constructively added to the power of the Soviet Union.

This growth took place in 1945-1948, after which further extension in Europe was blocked by an awakened opposition. The attention of the Kremlin then shifted to the Far East, with the result that before long Mao Tse-tung's Communist government replaced the government of Chiang Kai-shek in China. Thus another 400 million to 500 million human beings were brought under the sign of the hammer and sickle. In sum, by 1951 Moscow was in a position to dominate, directly or indirectly, about one fourth of the land area of the world and something over 750 million people, constituting about one third of the world's population.²⁵

The Russian Communists have made an enormous effort to spread their gospel and extend their empire, and to a very considerable extent they have been successful. The West must never make the mistake of underestimating the energy, power, and resourcefulness of its adversary, for the leaders of the USSR have shown an abundant supply of these qualities. The question is: how effective have we of the West been in our countermeasures in the battles of the Cold War?

statement of 1918: "We now declare that the Russian revolution remains faithful to the policy of internationalism. We defend the right of Poland, Lithuania and Courland [part of Latvia] to dispose of their own destiny, really, freely. Never will we recognize the justice of imposing the will of a foreign nation on any other nation whatever." Quoted by Max M. Laserson, *op. cit.*, p. 184. See *ibid.*, pp. 208-230, for a discussion of the later revision of this attitude.

²⁴ See *United States in World Affairs, 1945-47*, pp. 450-451, for a map and text detailing the post-1940 territorial changes in eastern Europe.

²⁵ See *Background Information on the Soviet Union in International Relations*, prepared by the House Committee on Foreign Affairs (GPO, 1950), pp. 49-54; also Massimo Salvadori, *The Rise of Modern Communism* (Holt, 1952), pp. 67, 80-81. In this connection the following statements, written by Karl Marx in 1853, are interesting: "Russia keeps claiming that it has no annexationist designs. In order to ascertain the hypocrisy of this claim, it is sufficient to review the annexations carried out by Russia since the time of Peter the Great . . . conquest follows conquest, and annexation follows annexation. . . . The arrest of the Russian scheme of annexation is a matter of the highest moment. . . . The cowardice and stupidity of the Western nations provide Russia with opportunities. Due to their ignorance, Western statesmen are losing control of the situation. . . ." See Ahmet Emin Yalman, "Marx Warned Against Russia," *Freedom and Union*, June 1947, pp. 5-7. In a similar vein, see James F. Byrnes, *Speaking Frankly* (Harper, 1947), pp. 282-283.

AMERICAN WEAPONS IN THE COLD WAR

In its prosecution of the Cold War the United States got off to a slow start but came up fast. In the summer of 1945 the last thing in the mind of the average American was conflict of any sort with Russia; he was preoccupied with troop demobilization and industrial reconversion to peacetime pursuits. Like the individual who thinks that as soon as the legislature has passed a good law he can relax and forget about its administration, the American in 1945 was content with the knowledge that the war had been won, and he saw no great need to worry about winning the peace. Many officials in Washington and diplomatic missions in Europe refused to succumb to this delicious temptation, but the man in the street appeared to be concerned mainly with forgetting the horrors of recent years. It was natural that there should be a letdown from the keyed-up pitch of the war.

The Russian diplomats, however, did not relax, as we know from the records of the Potsdam conference, from the proceedings of the Council of Foreign Ministers, from various activities in United Nations organs, and from events in eastern Europe and Iran in 1945-1947. American demobilization played into the hands of the masterminds on the other side, and thus the USSR was able to gain some cheap victories. By 1947, however, it could be said that the United States was awake to the threat of Russian expansion: in March of that year President Truman announced his "Doctrine" of economic and military aid to Greece and Turkey, and in June Secretary of State Marshall made the now famous speech that led to the enactment in the following year of the European Recovery Program. These were important landmarks in American foreign policy.

➤ *American Initiative.* When the giant was aroused from his slumbers, he swung into activity which at the time seemed somewhat slothful but which in retrospect appears considerable. In 1947 came the beginnings of aid to Greece and Turkey; by 1948 under the Marshall Plan the United States was assuming the initiative in European reconstruction, on the theory that only by some measure of prosperity could communism be beaten off, and that our own interests would be served by stopping the westward march of communism and by re-creating traditionally important western-European markets for our produce. This type of initiative was carried a step further in President Truman's inaugural address of January 1949; he not only vigorously attacked the "false philosophy of communism" and urged unfaltering American support of the United Nations but went on to propose, as his "Point Four," a program of technical assistance to underdeveloped areas. It is of course in such areas that Communist propaganda falls on most fertile soil. In actual operation the Point Four program has been a relatively minor one; the important thing is that the

United States was taking the offensive in the Cold War and was no longer allowing the opposition to win by default.

➤ *Alliances.* In 1949 the United States ratified one of the most important pacts in its history: the North Atlantic Treaty. Although its text did not say so, none of its negotiators thought for a moment that the twelve signatory nations were such for any reason other than fear of Russian aggression in western Europe and the North Atlantic area. Just as the Marshall Plan represented an anticommunist economic bastion, so the North Atlantic Treaty served as the corresponding military protection. As a matter of fact, since 1945 the United States has negotiated a whole series of military pacts that would have been unthinkable in the days before the Cold War: the Rio Pact of 1947 with Latin America, the North Atlantic Treaty of 1949, the mutual-defense understandings with Canada, the provisions for mutual defense in the 1951 Japanese peace treaty, the pact with Australia and New Zealand, and another with the Philippines, also negotiated in 1951. George Washington had counseled against permanent alliances, but had advised temporary ones when their usefulness was apparent; clearly his twentieth-century heirs were convinced of such usefulness. Critics of American foreign policy at the mid-century mark sometimes condemned it as static, but this charge is difficult to sustain in view of this array of alliances.

➤ *Bipolarity.* America was obviously lining up as many allies as it could. To this policy there were manifest advantages, and yet some dangers. Many feared that accumulating Russian satellites or American satellites was simply choosing up sides for World War III; the opposite poles were exerting forces of attraction as a magnet does near iron filings. There was not only a possibility that this process could lead to war but a danger that not all the allies could be counted upon; Tito and Franco, for example, might not be reliable. Many believed that a strong third force might keep the two Great Powers apart. This was one of the motives impelling many Europeans and Americans into support of the Council of Europe idea: if a strong and integrated Europe could be created, it might help balance off the other two Great Powers, and maintain peace. It could create a situation similar to that of the nineteenth century, when there were several more or less equally balanced powers.

➤ *Propaganda.* The Russian Communists have shown themselves to be past masters of the art of propaganda; the United States has traditionally shown a distrust of it, as well as considerable ineptitude for it. Even during World War II our propaganda efforts were seldom wholehearted or fully effective, and after the war we relapsed into the feeling that gentlemanly states should not engage in so disreputable a practice. It became apparent, however, that propaganda, like espionage, may under modern conditions be a necessary evil. Therefore, after much floundering and several false starts, we put the "Voice of

America" radio into operation to beam our version of the truth to as great a portion of the world as could be reached. By late 1951 the "VOA" was broadcasting 339 hours weekly in 45 languages; this will sound somewhat less impressive when it is compared with 554 weekly hours by the United Kingdom and 670 by the Soviet Union.²⁶ The annual cost of this program to the United States was about 25 million dollars. Since it was a governmental operation, the Voice of America was necessarily under certain budgetary and opinion controls which would not restrain a private organization. Consequently, Radio Free Europe was organized and financed by private American citizens, with the same end in view: to weaken the Russian control of countries behind the Iron Curtain by radioing the truth to their citizens.

In recent years the United States has engaged in other informational activities. In 1948 the Information and Education Exchange Act was passed,²⁷ to establish a program by which the State Department would issue the American version of international affairs via film, press, and radio. A similar activity which has received wide attention, and which represents a more enlightened and imaginative approach to a problem than we have sometimes expected from our government, is the so-called Fulbright educational exchange program. All over the world at the end of World War II there were immense supplies of American military and civilian matériel which were to be disposed of as part of the demobilization process. At the instigation of Senator J. William Fulbright, of Arkansas, legislation was enacted in 1946 under the terms of which much of this property would be sold on the spot for currency of the country in which it was located. Rather than attempt conversion of this money into dollars, which would have been disruptive of numerous monetary systems because of the shortage of dollar exchange, the Fulbright Act provided that the proceeds of the sales (up to a top limit of twenty million dollars per country) should be devoted to financing the study and research of American students and teachers in those countries and the transportation of foreign students to the United States. Thus a real contribution could be made to the cause of international intellectual interchange. The cost to the United States government is negligible; the potential gains in international understanding are incalculable.²⁸

The Fulbright program may advance the cause of mutual understanding between the United States and many other countries, but it does not touch the problem of direct American-Russian understanding, and neither does any of the similar programs. In 1946-1947, several attempts were made to bring about interchange of students, artists, and researchers with the Soviet Union, although

²⁶ *Department of State Bulletin*, July 16, 1951, p. 102; *ibid.*, Sept. 3, 1951, p. 369.

²⁷ Public Law 402, 80th Congress, 2nd Session.

²⁸ For the text of the Fulbright Act and related documents, see *Docs. Am. For. Rels.*, 1945-1946, pp. 758-762; see also *Decade of American Foreign Policy*, pp. 1235-1236.

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not under the Fulbright scheme. No interest was shown by the Russians, and the plan fell through.²⁹ This failure in all probability may be attributed to the Russian fear that every foreigner is at least potentially a hostile spy. Undoubtedly a major problem of Western diplomacy is to find a means to penetrate the Iron Curtain of ideas and to establish some degree of understanding by the peoples, as well as the governments, involved. The problem is aptly illustrated by the question which a Moscow school child asked a prominent American newspaper correspondent some years ago: why do the Americans keep their factory workers locked in dark cellars?³⁰ Obviously we have a long road to travel before achieving real comprehension of each other. Whatever difficulties arise, they surely cannot be blamed on the Russian government's lack of awareness of the value of propaganda; its domestic press-censorship and propaganda machines are eloquent tribute to the Kremlin's appreciation of the power of ideas and the importance of having the "right" ideas placed before its citizenry. Furthermore, it has been officially estimated that the annual expenditure of the Soviet Union for all forms of foreign propaganda reaches the stupendous sum of one to two billion dollars.³¹

➤ *Rearmament.* As previously noted, the United States demobilized extremely rapidly after 1945—doubtless too rapidly, since resultant American military weakness evidently encouraged the Soviet Union in its expansionist adventures. Protests were heard against such a policy, but they were drowned out in the clamor for return to normalcy.

An abrupt about-face was precipitated by the North Korean aggression across the 38th parallel, in June 1950. It was scarcely open to question that this invasion was inspired by the global planners of the Kremlin, who had found their aims for European domination thwarted by the Marshall Plan and the North Atlantic Treaty and who therefore looked for spots easier to conquer. They evidently concluded that no one but the United States would be likely to interpose objection to a Korean *Putsch*, and recent pronouncements by American policy makers indicated that the Korean peninsula was outside of their outer line of defense. Bolstering such a point of view was the American withdrawal of occupation troops from Korea. The invasion was therefore launched, but it was unexpectedly opposed by resolute action of the United States and the United Nations.

During the preceding three years Americans had become more and more acutely aware of the potential dangers to themselves of Soviet expansionism, and the Korean aggression consolidated this recognition. The United States

²⁹ See the letter from Ambassador W. B. Smith to Foreign Minister Molotov, *Docs. Am. For. Rels.*, 1947, pp. 524-526.

³⁰ T. A. Bailey, *op. cit.*, p. 353, n. 4.

³¹ James Eayrs, "New Weapons in the Cold War," *International Journal*, Winter 1951-1952, p. 39. This author also brings out the ironic fact that a major weapon in the Russian propaganda arsenal, the "Stalin transmitter," was built with wartime lend-lease materials.

turned actively to a program of enlargement of its military force, reactivation of its mothballed fleet units, and rapid construction of land, sea, and air weapons. The strategists in Moscow may have expected an easy victory in Korea; not only did they not achieve this goal but they stung the United States (as well as other nations of the West) into a rearmament program far more extensive than anything previously contemplated. The future naturally remains obscure on this point, but it is altogether possible that this aggression was the straw that broke the camel's back and that the USSR by this act assured the building of an insurmountable wall of Western opposition.

➤ "Containment." Through the last half of the 1940's the debate raged as to the proper policy for the United States to follow with regard to the Soviet Union. Initially we used tactics of generous and cordial cooperation, but events showed that such gestures, instead of evoking similar responses, were interpreted by the Soviet Union as indications of weakness to be exploited.³² Therefore by 1947 this policy was giving way to one of much greater firmness, although the change was opposed by some Americans, such as those inspired by Mr. Henry Wallace, who favored a turn-the-other-cheek approach.³³ Clearly, however, this group was a small minority. The presidential campaign of 1948 showed little difference between Republicans and Democrats as far as policy toward Russia was concerned.

In 1947 the influential journal *Foreign Affairs* carried an anonymous article which evidently forecast the line which the Department of State was to pursue for the foreseeable future.³⁴ The suggestion of this important article was, briefly, that the United States should follow a policy of "containment." There can be no true community of ideas between the West and Russia, it asserted, but a firm policy of Western resistance to Russian encroachments can in the long run bring about an alteration of Russian attitude. In Russia,

. . . political action is a fluid stream which moves constantly, wherever it is permitted to move, toward a given goal. Its main concern is to make sure that it has filled every nook and cranny available to it in the basin of world power. But if it finds unassailable obstacles in its path, it accepts

³² By way of illustration of Stalin's judgment of countries in terms of their military strength, the story is often told that during the war someone mentioned the influence of the Pope. Stalin's reported reply was: "The Pope? How many divisions does he have?" James Byrnes, *op. cit.*, p. 28, says that although Stalin did not, as sometimes said, make this remark at the Yalta conference, ". . . it was the yardstick he frequently used."

³³ See the 1948 Progressive Party platform, *Docs. Am. For. Rels.*, 1948, pp. 41-46.

³⁴ Reference is made to the widely discussed "Sources of Soviet Conduct," by "X," *Foreign Affairs* (New York), July 1947, pp. 566-582. The quotation given in the text appears on p. 575; it is reprinted by permission of the publisher. It later developed that "X" was Mr. George Kennan, a Foreign Service official of long experience in American embassies, including the Moscow embassy, and in 1947 chief of the State Department's Policy Planning Staff, whose duty it was to think out long-range policy for the United States. In 1952 Mr. Kennan served briefly as United States ambassador to the Soviet Union. The article is reprinted in George F. Kennan, *American Diplomacy 1900-1950* (University of Chicago Press, 1951), pp. 107-128.

these philosophically and accommodates itself to them. The main thing is that there should always be pressure. . . . There is no trace of any feeling in Soviet psychology that that goal must be reached at any given time. . . . In these circumstances it is clear that the main element of any United States policy toward the Soviet Union must be that of a long-term, patient but firm and vigilant containment of Russian expansionist tendencies.

This article was a more detailed exposition of the thought to which President Truman had given expression when announcing the Truman Doctrine: "I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures." In any case, it became clear that the policy of the United States, under whatever name, was to be consistent opposition to Soviet pressure wherever it was felt. Many disapproved of this policy, and, as will be seen later, it was fraught with real danger to the United States as well as to the Soviet Union; but at least for the time being it represented the official American stand.

➤ *Western-European Policy.* The preceding pages may have implied that the Cold War was the affair of the United States and the Soviet Union exclusively. Although these two were the leading antagonists, they were by no means the only ones. Western Europe also bent every effort to restore its economy and to improve its defenses, for both domestic and foreign political reasons.

Whatever else may ultimately result from the Soviet Union's Cold War activities, it is certain that the threat therein implicit impelled the western-European and American nations into far closer alliance than could otherwise have been expected even in the wildest dreams. Some examples of such alliances have already been discussed: the Organization for European Economic Cooperation, the North Atlantic Treaty Organization, the Schuman Plan, the tri-zonal agreements, and the creation of a West German state. It would clearly have been to the advantage of the Soviet Union to have been able to deal with individual, isolated states, assuming that its apparent desire for domination of Europe was its real motive. In the first postwar years the USSR was able to do just that; but opposition hardened as its intentions were revealed to the West. Thus we come to the series of events which in the long run may well turn out to be the most significant ones of the century: the movement toward political union of the states of western Europe.

THE COUNCIL OF EUROPE

Statesmen and private citizens alike have long dreamed of a united Europe, in which Western culture would be preserved against the inroads of any aggressor, and in which a single trading unit, unimpeded by national tariffs and quotas, would contribute to a prosperity like that of the United States of

America. One positive effort along this line had been the proposal of the great Frenchman Aristide Briand, in 1930, for a United States of Europe; but nothing came of it, and the speculation died down. The depression of the 1930's brought preoccupation with domestic ills, and in the early 1940's Europe was too busy simply surviving to give thought to schemes of union.

After 1945, however, the pressing need of a faster rate of economic recovery brought to the fore a great deal of talk and some action looking toward customs unions. From these and other events it was clear that as never before European statesmen were not only dreaming about some form of continental union but were getting down to brass tacks in thinking out devices by which it could be effectuated. Union was backed by national leaders of the caliber of Winston Churchill, Edouard Herriot, Paul-Henri Spaak, and Léon Blum.³⁵

➤ *The American Attitude.* Through all the ferment of discussion the United States took the lead as it never had done previously. Time was when the continent's dominating power had been England and when that country would have been expected to assume direction of events. But after 1945 England was weary, nearly bankrupt, divided at home by the issues of socialist control of large sectors of the national economy, and led by men whose vision may not always have been equal to the times. Leadership of the Western world had necessarily fallen to the United States; no other nation had the power to carry through such programs as the Marshall Plan, and no other had so high a degree of interest in European recovery. Furthermore, no other was sufficiently detached from the immediate troubles of Europe to be able to see the problem whole.³⁶

Americans in public and private life alike preached the necessity of European union,³⁷ and indeed were often much more favorably disposed toward this ideal than were the Europeans themselves. It was natural for an American to hold that if the Europeans would only unite under one government and create one economy they could expect to prosper as the United States had done. But this solution was deceptively simple. It tended to overlook the centuries of individual development through which the continental peoples had gone and the nationalistic rivalries which were part of it; and it probably underestimated the divisive effects of religion and language. Saying that there should be a customs union, for example, was a vastly different matter from

³⁵ Among private sources agitating for union, Barbara Ward has been given considerable prominence for her *The West at Bay* (Norton, 1948), especially Chapters 5 and 13-19, and *Policy for the West* (Norton, 1951). Both of these books present clear and cogent arguments for a "western association." See also A. Loveday, "The European Movement," *Int. Org.*, Nov. 1949, pp. 620-632.

³⁶ A good statement of the American interest in economic integration of Europe will be found in *The Brookings Institution, Major Problems of United States Foreign Policy, 1949-50* (Brookings Institution, 1949), pp. 403-473.

³⁷ Paul Hoffman while ECA Administrator was one example; others were Secretary of State Marshall (see *Docs. Am. For. Rels.*, 1947, pp. 604-605) and General Dwight Eisenhower (see *Department of State Bulletin*, July 30, 1951, pp. 163-165).

actually working it out, when the countries involved had varying standards of wages and of industrial efficiency. Nevertheless, the official point of view of the American government was one of wholehearted approval of the general scheme of European union.³⁸

➤ *Brussels Pact, 1948.* In 1947 France and England joined together in the Dunkirk Treaty, in which they exchanged mutual guarantees of military aid in case of renewed German aggression occurring in the next fifty years.³⁹ A year later these two, together with the Benelux nations (Belgium, the Netherlands, and Luxembourg) drafted at Brussels another fifty-year alliance, of a broader kind, known as Western Union.⁴⁰ The five states not only bound themselves to a military alliance but went beyond that in providing that they would also cooperate in cultural, political, and economic matters.⁴¹ As far as economic matters were concerned, the Benelux states had already entered into a customs-union treaty.

A few months after conclusion of the Brussels Pact the five Foreign Ministers met and heard M. Bidault, of France, propose that a European parliament be created, composed of representatives of national legislatures, and that it proceed to a nuclear economic and customs union. British and Belgian representatives turned a cold shoulder to these proposals, and nothing was done. Britain's Foreign Secretary Bevin, who had been one of the prime movers in the negotiation of the Pact, was clearly interested far more in military defense than in the broader scope of affairs envisaged by Bidault. As far as military planning was concerned, it was at first intended to provide a joint army, and indeed planning proceeded along these lines at some length; but late in 1950 it was decided that such forces as these should be merged with the North Atlantic Treaty Organization's military establishment.⁴²

➤ *Creation of the Council of Europe.* After protracted and difficult negotiations, the Foreign Ministers of the five states announced in January 1949⁴³ the major aspects of a plan which, cast into the form of a "Statute for the Council of Europe," was signed in London on May 5, 1949.⁴⁴ By this time other

³⁸ For examples, see *United States in World Affairs, 1948-49*, pp. 63, 518-519; *ibid.*, 1949, p. 111. In 1951 the Mutual Security Act called for a political federation of Europe.

³⁹ Text in *Docs. Am. For. Rels.*, 1947, pp. 610-611.

⁴⁰ Text in *Docs. Am. For. Rels.*, 1948, pp. 584-588; see also *Int. Org.*, June 1948, pp. 427-429.

⁴¹ For example agreements were worked out for international transfer of social-security benefits; see *Int. Org.*, Nov. 1949, p. 728; *ibid.*, Feb. 1950, pp. 148-149. On other social-cultural matters, see *ibid.*, May 1950, p. 333; *ibid.*, Feb. 1951, pp. 214-215.

⁴² *Docs. Am. For. Rels.*, 1950, p. 239; *Int. Org.*, May 1951, p. 391.

⁴³ See the *New York Times*, Jan. 29, 1949, pp. 1, 2.

⁴⁴ Text in *Int. Org.*, Aug. 1949, pp. 583-591. On the genesis and functions of the Council of Europe, see the following volumes of *United States in World Affairs: 1947-48*, pp. 492-500; *1948-49*, pp. 53-64, 512-527; *1949*, pp. 110-117, 160-163, 209-210; *1950*, pp. 117-118, 267-279. See also the summaries of activities carried in *Int. Org.*, starting with the August 1949 issue, and *Docs. Am. For. Rels.*, 1948, pp. 589-592. A good survey is Frederick L. Schuman, "The Council of Europe," *American Political Science Review*, Sept. 1951, pp. 724-740.

states had been invited to join in the project, and five—Denmark, Ireland, Italy, Norway, and Sweden—had accepted.⁴⁵ Thus there were ten original signatories.

➤ *Purposes of the Council.* According to the Statute,

The aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage and facilitating their economic and social progress. This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal, and administrative matters. . . .

Surely such a frame of reference is broad enough to cover any activity in which the nations might choose to engage.⁴⁶

➤ *Machinery.* It was decided that the seat of the Council should be in Strasbourg, France, where the first meetings were held in the summer of 1949. The Council would operate through two major organs, with a Secretariat to serve them both. A Committee of Ministers, composed of the ministers of foreign affairs (or their alternates) of each member state, was the agency in which primary power was vested. A deliberative body, the Consultative Assembly, in which each member would be represented by an allotted number of delegates chosen in such manner as the member determined, would meet annually for discussion and recommendation.

➤ *Activities.* Circumscribed as were the powers of the Assembly, from its first session in 1949 it manifested a desire to make an early start on the long and rocky road leading to European economic unification. Although chosen by governments, its members voted as individuals. Resolutions of the first session proved beyond a shadow of a doubt that the Assembly was prepared to go much further and faster than was the Committee of Ministers, which by definition was a group of men with responsibilities to their governments and constituents and which was therefore inclined toward cautious action. Bitter debates have taken place in the Assembly as to the future form of the Council of Europe. In 1949 resolutions were adopted that the Council should develop into a federal authority and that there should be "modification in the political and constitutional structures of the members which such collaboration would entail."⁴⁷ In 1950 the issue arose again, in the form of debate between those who wished an all-out federalization of Europe and those who preferred a functional approach

⁴⁵ Greece and Turkey were added in 1949, and Iceland in 1950. Also in 1950, the Saar and Western Germany became associate members, and in 1951 Germany was promoted to full membership. In the same year the American Congress and the Canadian Parliament were invited to send observers to meetings of the Assembly.

⁴⁶ That the Council nations are not interested exclusively in economic and political problems was shown in 1949, when the Assembly adopted resolutions favoring creation of a European university for the international cultural values to be obtained. *Int. Org.*, Nov. 1949, p. 732; on other cultural activities, see *ibid.*, Aug. 1950, pp. 514-517.

⁴⁷ *Int. Org.*, Nov. 1949, p. 731.

by which problems would be solved piecemeal, by agreement, as they arose. There was strong support for the first attitude, but it was ultimately voted down; the English led the opposition, stoutly maintaining that they would never have anything to do with any supranational government.⁴⁸ A great deal of heat has been generated between the Assembly and the Committee of Ministers, since the latter is not bound by the Statute to heed the resolutions of the former, which has often felt itself slighted.

➤ *European Army.* The Committee of Ministers wanted to move slowly on unification, but the Assembly was not daunted; in its second (1950) session it adopted, by overwhelming vote, a significant resolution proposed by an old champion of European unity, Winston Churchill. This resolution suggested "The immediate creation of a united European army, under the authority of a European Minister for Defense, subject to proper democratic European control, and acting in full cooperation with the United States and Canada."⁴⁹ No one could foretell the ultimate outcome of such proposals; but it was significant that by the early 1950's statesmen were giving serious thought not only to European defenses under NATO but also to political and economic union. A united army necessarily implies a united command under a common parliamentary and budgetary authority, which in itself goes far toward the creation of truly international authority. There were, of course, other arguments favoring a united European defense force. Into it could be incorporated German units under international command; thus German manpower might be used for the defense of Europe without arousing the old French fear of a militant Germany. As French Foreign Minister Schuman phrased it, this arrangement offered the opportunity to arm Germans without rearming Germany. A united defense force might offer a solution not only to the old Franco-German problem but, by leading to more extensive unification of Europe, also to that of Italian overpopulation. Furthermore, it would give a guarantee of military safety far more reliable than any number of mutual-assistance pacts.

There was thus reason to believe that some considerable measure of European unity was being prepared in the early 1950's. The national Foreign Ministers and others were moving definitely though cautiously toward a pooling of their national sovereignty. Soviet pressure and the Cold War might, in the long view, turn out to be blessings in disguise if they forced the creation of a unified, peaceful, and prosperous western Europe. Such an occurrence was not outside the realm of possibility.

⁴⁸ Somewhat paradoxically, it was the Socialist (and therefore theoretically internationalist) government under Clement Attlee that took this position. On the debate, see *United States in World Affairs*, 1950, pp. 277-278; *Int. Org.*, Feb. 1951, pp. 217-218.

⁴⁹ *United States in World Affairs*, 1950, p. 268; *Int. Org.*, Nov. 1950, pp. 692-693. See also Churchill's eloquent speech of May 1947 in favor of European unification, *Docs. Am. For. Rels.*, 1947, pp. 601-604.

THE COLD WAR AND THE MIDDLE EAST

Thus far we have ignored the effects of the Cold War in an area of immense economic and strategic value: the Middle East. Here are found high stakes with which the victor may be rewarded. Under the sands of this area lies nearly half of the world's known reserves of that vital commodity—petroleum—without which no army, navy, or air force has any value at all. The Middle East is a strategically located region, in that it straddles two major waterways: the Dardanelles and the Suez Canal. Psychologically it is important in that if the Russians succeed in winning its allegiance vast numbers of humans in India and southeast Asia may conclude, as many of them have long wished to believe, that the day of imperial Western man is done and that that of the Asiatic has dawned.⁵⁰

➤ *Western Control.* Throughout most of the modern era these lands have been dominated, or at least influenced mainly, by the states of western Europe. North Africa has been primarily a European colonial area; Egypt has attained a nominal independence but is subject to major English influence, which its nationalists are anxious to slough off; Palestine after World War I and almost until the creation of the state of Israel, in 1948, was a British-mandated area; Syria and Lebanon have been similarly bound to France, and Iraq to England; Turkey in the past thirty years has not been so directed and has shown a strong inclination to go its own way, but in recent years has leaned to the West because of pressure from Russia; Iran and Arabia have had close economic and political connections with the West, although not as outright colonial areas. Recently the Soviet Union has indicated its desire to remove the Middle East from the orbit of western Europe. At the expense of some repetition, let us briefly call to mind some contemporary conflicts of interest in this region.⁵¹

➤ *Soviet Interest.* One might begin with the Iranian protests of 1945-1946 that Soviet troops were sponsoring separatist movements in Azerbaijan, and that these troops were illegally present in Iran. The dispute was cleared up, but not before it had shown that the Soviet Union coveted the Iranian oilfields and the overland route to the Persian Gulf. Then the world became aware of Communist interest in Turkey, through demands for joint control of the Straits and for cession of Turkish eastern provinces. At about the same time one heard that Communist guerrillas were fighting in Greece and retreating across the

⁵⁰ The Russians are, of course, Asiatic in many of their attributes. Stalin remarked to Japanese Foreign Minister Matsuoka in about 1940 that both were Asiatics. See Isaac Deutscher, *Stalin* (Oxford University Press, 1949), p. 452.

⁵¹ See Harry N. Howard, *The Development of U.S. Policy in the Near East, 1945-1951* (GPO, 1952), Dept. St. Publ. No. 4446; George C. McGhee, "United States Policy Toward the Middle East," *Department of State Bulletin*, July 30, 1951, pp. 174-178; Richard N. Frye, ed., *The Near East and the Great Powers* (Harvard University Press, 1951); Lewis V. Thomas and Richard N. Frye, *The United States and Turkey and Iran* (Harvard University Press, 1951).

frontiers to rest and regroup in Russian-dominated Bulgaria, Yugoslavia, and Albania. Few doubted that these moves indicated a Soviet desire to bring Greece and Turkey behind the Iron Curtain.

The British government gave up its mandate in Palestine when it found it impossible longer to bear the military and financial burden involved; this it did reluctantly, because Palestinian ports were useful bases for British naval units in the eastern Mediterranean. Furthermore, if those ports fell into hostile hands they could neutralize British installations on Cyprus, deny access to sources of petroleum that were vital to the British navy, and cut the lifeline of empire running through Suez. Precisely these items, of course, made Palestine attractive to the Soviet Union.

A somewhat similar conflict of interest took place in 1951 in Iran, where a chauvinistic government, with important support from Communist elements which had made up the outlawed Tudeh party, forced the British out of the tremendous Iranian oilfields and refineries. This event raised a threat to the United States, whose petroleum companies have major concessions in Saudi Arabia: would Communist agitators there achieve eviction of the Americans? The prospect seemed remote, but it could not be entirely discounted.

Moving still further eastward one approaches lands where Englishmen once were emperors: India and Pakistan. For centuries Russian rulers have cast envious glances this way, partly because of a desire for the riches of that fabulous subcontinent, and partly because its possession would confer that boon toward which Russian policy has long been directed—ice-free ports, usable twelve months of the year. The post-British rulers of India and Pakistan have been fastidiously careful not to antagonize the Kremlin and thus give pretext for infiltration or invasion.

The location and resources of the Middle East make it a region in which one might expect the Cold War to be waged. So far the West has held its own in this tug of war, but the possibility is ever present that a relaxation of its vigilance or a weakening of its power might be seized upon by the USSR as an opening of the road to conquest.

THE SOVIET POINT OF VIEW

➤ *Understanding the Opponent.* In the foregoing pages have been presented the attitudes of the United States on issues of the Cold War, and by the nature of the case the Soviet Union is bound to appear as the villain of the piece. Whether that government is right or wrong is not the question at the moment; the significant thing to note is that whether in hot or cold war it is fatal to underestimate one's opponent and to fail to attempt to understand his motives. One is not bound to agree with his motives, but as a matter of self-preservation he must try to comprehend them.

➤ *Vyshinsky's Views.* In late 1951 Foreign Minister Andrei Vyshinsky

made a speech before the UN General Assembly which fairly typified the current Russian attitude. Because it was typical, and because the point of view varies so widely from the American, extensive quotation may be justified:

... Efforts are now being made to reinforce the North Atlantic bloc by including in it Greece and Turkey as well as West Germany, to which countries a special role is assigned in the implementation of the aggressive plans against the Soviet Union. The representatives of the Atlantic bloc openly violate the international agreements, concluded during the war against Hitlerite Germany and militarist Japan, aimed at combating the danger of recurrence of fascist aggression and at strengthening friendly relations with the Soviet Union. . . . In order to deceive public opinion and to camouflage their actual aggressive aims, the President, the Cabinet Ministers, Senators and other political and public leaders in the United States are raising a hue and cry about the threat to the United States security emanating from the USSR. . . . the elementary principles and standards of international law are being trampled upon in the United Nations. . . . J. V. Stalin has said: "... the United Nations Organization is now not so much a world organization as an organization for the Americans, catering to the needs of the American aggressors." . . .

Such are the facts. And facts are known to be stubborn things. . . . It is time to give a rebuff to the aggressive forces which are pushing the world toward another world war. . . . The Anglo-American bloc . . . is the aggressive core of the United Nations.

In the United States influential statesmen . . . day in and day out incite enmity for the Soviet Union and the People's Democracies. Their Congress heaps one law upon another, directed at disrupting peaceful cooperation among nations, at kindling another world war. . . . The aggressive nature of the United States foreign policy is clear to the entire world. . . .

The United States is increasing its army, navy and air force, . . . is building hundreds of new naval and air bases on foreign territories, is establishing a whole system of military alliances bringing countries of the former "axis" into these alliances.

The entire economy of the United States . . . is geared to war. . . .

The United States continues to expand its war industry, which is absorbing ever more billions of dollars, covering this up with references to the . . . "national security" of the United States. . . .

The entire foreign policy of the United States is based on preparation for another world war with the object of gaining world domination for American monopolies and making gigantic profits on war. . . .

The foreign policy of the Soviet Union is a policy of peace. The Soviet Union indefatigably strives to eliminate the threat of war, strives for peace, for strengthening friendly relations among the countries, for close international cooperation based on mutual respect for the independence of nations and the sovereign equality of states. . . .⁵²

⁵² This is a small portion of Vyshinsky's speech to the General Assembly on Nov. 8, 1951. Together with another speech to the same body on Nov. 16, 1951, it is reprinted in *Speeches by A. Y. Vyshinsky* (USSR Embassy, Washington, 1951). For other expressions of the Soviet point of view, see *Docs. Am. For. Rels.*, 1947, pp. 618-625; *ibid.*, 1948, pp. 600-605.

To most of the allegations made by Mr. Vyshinsky there is an honest answer; but there is no assurance that it would convince a Russian, since he tends to be at least as suspicious of us as we are of him. It does little good simply to state that our armaments and our industrial mobilization are sincerely designed to protect us rather than to threaten the Russians with aggression; this is true enough, but the real task, assumed by the Voice of America and similar agencies, is to persuade Ivan-in-the-street that it really is the fact. Here is another situation in which the abstract truth of a matter is not so important as what people think the truth is. In the long run it will be necessary not only to persuade the Russians that the intentions of the United States are not aggressive but to persuade Americans that there may be truth to the Russian statement that it wants friendly governments in the neighboring countries for the same reason that the United States wants friendly governments in Canada, Cuba, and Mexico. It is worth repeating that one is not obliged to agree with the Russians, but that in his own self-interest he is obliged to attempt to understand their point of view. This is admittedly a task of infinite difficulty, and it is made no easier by the blatant and intolerant manner in which the other point of view is often expressed.

CONTEMPORARY AMERICAN POLICY TOWARD RUSSIA

American policy makers since about 1947 have given up hope of cordial relations with the USSR and have fallen back on "containment."⁵³ By this term we mean opposition to Communist expansionist attempts, whether they occur in western Europe, Iran, Turkey, Korea, Indo-China, or elsewhere. What the United States fears is not communism as such; if it were practiced in Russia and kept in Russia, it would not especially concern us. Our real concern is for the imperialism that currently is an integral part of communism, and so we oppose the attempt to spread the doctrine by force of arms into areas the independence of which we regard as essential to our own immediate and long-range security. Our hope is that by unrelenting counterpressure against Russian expansionism either we can convince the Kremlin ultimately that its policies must change or we can wait out the life of Josef Stalin in the pious hope that upon his death new light will dawn in Russia or the struggle for succession will be so disastrous as to cause disintegration of the Russian threat to the peace. There is no guarantee that either of these eventualities will come to pass, but there appears to the government of the United States no better alternative to the policy of containment.⁵⁴ There are, of course, other alternatives. "Preventive war" and knuckling under to Communist pressure have been rejected outright by most people. There may be a possibility of a negotiated peace, and strong

⁵³ See The Brookings Institution, *Major Problems of U. S. Foreign Policy, 1948-1949* (Brookings Institution, 1948), pp. 7-8, 16-28.

⁵⁴ For a severe criticism of this type of policy, see Hans J. Morgenthau, "The Policy of the U.S.A.," *The Political Quarterly*, Jan.-Mar. 1951, pp. 43-56.

arguments can be adduced for it, as well as criticisms that the government has not adequately explored this approach. The major objection to it is that the Soviet Union has in past violated agreements at will and might do so in future, so that a stable settlement would be extremely unlikely.⁵⁵

➤ *Acheson's Statements.* The policy of containment has been officially endorsed on numerous occasions. For example, in 1950 Secretary of State Dean Acheson told his press conference:

... the Soviet Government is highly realistic and we have seen time after time that it can adjust itself to facts when facts exist. We have seen also that agreements reached with the Soviet Government are useful when those agreements register facts or a situation which exists and that they are not useful when they ... do not register the existing facts. ...

So it has been our basic policy to build situations which will extend the area of possible agreement, that is, to create strength instead of the weakness which exists in many quarters ... the whole purpose of the economic recovery program in Western Europe is to create strength instead of weakness in that area. ...

Now this road is a very long one and a very difficult one. It takes purpose, continuity of purpose, perseverance, sacrifice and it takes, more than almost anything else, very steady nerves. ...⁵⁶

A few weeks later the Secretary made a major speech on the causes of Russo-American tensions, in which he pointed out that they could be relieved if the Russians were willing to conclude peace treaties with Germany and Austria, cease forcible domination of the satellites, cease obstructionism in the UN, join in effective international control of atomic energy, and put an end to distorted propaganda and subversion of other governments. He continued:

The United States is ready ... to cooperate in genuine efforts to find peaceful settlements. ... But it takes more than one to cooperate. If the Soviet Union could join in doing these things I have outlined, we could all face the future with greater security. ...

We are always ready to discuss, to negotiate, to agree, but we are understandably loath to play the role of international sucker. ... I see no evidence that the Soviet leaders will change their conduct until the progress of the free world convinces them that they cannot profit from a continuation of these tensions. ...

We want peace, but not at any price. ...

The times call for a total diplomacy equal to the task of defence against Soviet expansion. ...⁵⁷

⁵⁵ The State Department has compiled lengthy lists of Soviet violations of treaties and agreements since 1945; see *Docs. Am. For. Rels.*, 1948, pp. 609-620; *ibid.*, 1950, pp. 550-555.

⁵⁶ Statement of Feb. 8, 1950; *Docs. Am. For. Rels.*, 1950, pp. 570-572.

⁵⁷ Speech at Berkeley, California, March 16, 1950; *Docs. Am. For. Rels.*, 1950, pp. 573-580. Winston Churchill, speaking to the House of Commons on January 22, 1948, said: "The best chance of avoiding war is ... to bring matters to a head with the Soviet Government and to arrive at a lasting settlement. It is idle to reason ... with the Communists. It is however, possible to deal with them on a realistic basis, and in my experience they will

► *The Dangers of Containment.* In following the policy of containment the United States is playing with fire, and it must be sure, in Acheson's words, that it possesses not only a policy but steady nerves to administer it over what may be a very long period of time. There are several points at which the policy can go awry. There is danger, for example, that in trying to contain Russia we shall try to arm ourselves and our allies so heavily that we shall bankrupt ourselves in the process. By 1951 there was a clear danger that if our European allies were pressed into accelerated rearmament programs, necessarily at the expense of economic recovery, their standards of living would be so lowered as to make their populations even more susceptible to Communist propaganda. Said General Eisenhower, who as NATO commander was in a position to speak authoritatively: "The problem in defense is how far you can go without destroying from within what you're trying to defend from without." A nice balance must be struck between demands for necessary rearmament and demands for a reasonably high standard of living.

The policy of containment assumes that it is physically and ideologically possible to bring an end to Russian imperialism, and that thereafter the communist and the Western capitalist systems can co-exist peacefully. Obviously neither assumption can be definitely proved. On the matter of co-existence, an impressive number of statements by Lenin and other Communist leaders flatly deny that the two systems can endure simultaneously; on the other hand, Stalin is authority for the contention that the United States and the USSR cooperated in war and therefore can in peace.⁵⁸ The problem for the West is to determine whether the basic strategy of Russian imperialism, or only the momentary tactic, has been altered.

Many there were, in the United States and elsewhere, who in the early 1950's contended that we simply could not afford to arm ourselves and our allies at the current rate, and that annual budgets of 75 billion dollars or so could not long be endured without ruinous inflation and bankruptcy. Here again no certain answer was available, but some pointed out that in the middle 1930's there were false prophets of doom who predicted that if the national debt were to rise to the outlandish figure of 50 billion dollars the country would be utterly lost financially. It could also be argued that the question was not whether we could afford to rearm at a given speed and cost but whether, in view of the threat to national security, we could afford not to. Still, if we rearmed ourselves into bankruptcy, the Kremlin would rejoice over having wrecked the capitalist economy without having had to fight it.

Possibly the greatest danger inherent in the state of Russo-American rela-

keep their bargain as long as it is in their interest to do so, which in this matter may be for a long time once things are settled." *U.S. News and World Report*, Feb. 6, 1948, p. 71.

⁵⁸ He made this statement in an interview with Harold Stassen in 1947, as well as at other times. See *Docs. Am. For. Rels.*, 1947, p. 613.

tions was that Stalin or his top aides would miscalculate American intentions. To Americans the absence of aggressive designs on the Soviet Union is clear, and if Russian intelligence agents were accurately reporting to their headquarters the American state of mind, and if Stalin believed what he heard, no one on the Soviet side would fear outbreak of war from our side. However, no American could know with assurance that factual information was reaching the Kremlin or that it was being properly evaluated.

For all the saber-rattling from east of the Iron Curtain, there was little if any reason to believe that Russia really wanted war. Rather, as Winston Churchill said in his Fulton, Missouri, speech of 1946: "I do not believe that Soviet Russia desires war. What they desire is the fruits of war and the indefinite expansion of their power and doctrines."⁵⁹ The tough-minded realists of Moscow could hardly be expected to welcome a war against opponents of the caliber of western Europe and the United States, especially since Russian industry and transport were apparently so much less developed than those of the West. The fact remains, however, that top-echelon miscalculation could precipitate an unintended war.⁶⁰

➤ *Spiritual Poverty.* Long ago it was well said that "man does not live by bread alone," and none will deny the theoretical truth of the statement; but there was evidence that the United States and the West in general were in real danger of losing the Cold War because of excessive attention to material matters, such as armies and bombs, and insufficient regard for the moral and ethical values of Christianity and democracy which presumably were the fundamental stakes of the contest. In the United States this situation was indicated by confusion as to the essential reality and worth of democracy, by the conversion of primarily economic Marshall Plan aid into largely military Mutual Security Program assistance, and by the oft-made statement that the only language understood by the Russians was force. There has been a great reluctance to realize that military force alone could not win the Cold War and that, whether a contest is fought across a diplomat's desk or on the bloody battlefield of the hot war, men do not fight effectively unless there is before them a vision of an ideal of such compelling beauty as to validate their sacrifices. In the United States of the 1950's a vast number of people were evidently convinced that Russia could and should be fought only with military tools. Many of these same people doubtless were convinced that domestic com-

⁵⁹ Lenin had read with approval the statement of the great German von Clausewitz: "A conqueror is always a lover of peace; he would like to make his entry into our state unopposed." In 1934 Stalin, who is a close student of Lenin, told H. G. Wells: "Communists do not in the least idealize methods of violence. . . . They would be very pleased to drop violent methods if the ruling class agreed to give way to the working class." Quoted by Byron Dexter in "Clausewitz and Soviet Strategy," *Foreign Affairs*, Oct. 1950, pp. 41-55, at pp. 52-53.

⁶⁰ See George F. Kennan, "Is War with Russia Inevitable?" *Department of State Bulletin*, Feb. 20, 1950, pp. 267-271.

munism could be stamped out by jailing its adherents, or possibly by shooting them. This attitude stemmed from ignorance, since it should by now be clear beyond all question that one cannot shoot an idea. If force alone could repress an unpopular idea, Christianity would have died nearly two thousand years ago. This is not an attempt to equate communism with Christianity, or to argue that communism is a good or a bad idea. The important and undeniable fact that many Americans have been reluctant to face is that it is an idea which has been demonstrated to have a very wide appeal.

This being the case, it would appear that to attempt to fight communism by the sword alone would be unrealistic, and that the West ought to place more stress than it has in the recent past on the struggle for men's minds. This is not to deny the present need for military weapons.

But the final solution for the ills that plague the world can never lie in armies and navies and air forces. The final solution cannot be reached until . . . the truth has made all people free. There is a terrific struggle going on today to win the minds of people throughout the world. . . . We have undertaken to answer [Soviet propaganda] with the truth, for we know that the truth is the best answer.⁶¹

One might expect the criticism that "containment is not enough" to come largely from clergymen or others concerned predominantly with moral issues; but the fact is that within recent years an impressive number of men in other walks of life have come to the same conclusion. Time and again it is affirmed that the long-range war will be lost unless ideals of democracy and international understanding are spread more energetically than they have been in recent years.⁶²

➤ *Stalemate.* As the middle 1950's approached, it seemed altogether conceivable that the existing Cold War stalemate would continue for years. There was no possibility of America's attacking, and no probability of the Russians' doing so, except in the event that they began to believe their own propaganda and to ignore accurate reports of the West's true intentions. Indications were that the Russians were in no hurry to press the issue, since Marxist theory told them that the capitalist nations would sooner or later collapse of their own economic rottenness, and therefore that time fought on the Communist side. On the other hand, it appeared to the West that time fought on its side, for with every passing month its ability to resist attack grew, through national rearmament and through consolidation of such mutual

⁶¹ Statement by President Truman upon the commissioning of a water-borne Voice of America transmitter, March 4, 1952; Dept. St. Publ. No. 4525 (GPO, 1952).

⁶² See, for example, John Fischer, *Master Plan U.S.A.*, pp. 146-171, 223-225; John F. Dulles, *War or Peace* (Macmillan, 1950), pp. 253-261; American Friends Service Committee, *The United States and the Soviet Union* (Yale University Press, 1949); Barbara Ward, *The West at Bay*, Chapter 19; Vera M. Dean, *The United States and Russia* (Harvard University Press, rev. ed., 1948), pp. 237-254; Stringfellow Barr, *Let's Join the Human Race* (University of Chicago Press, 1950).

ROBERT E. SHERWOOD, *Roosevelt and Hopkins* (Harper, 1948). Contains much material on the international activities of Roosevelt and Hopkins during and after World War II.

BARBARA WARD, *Policy for the West* (Norton, 1951). Concrete proposals for political and economic cooperation among the Western countries in the face of the Communist threat.

the war was over the duties were maintained at a high level, and the protectionist policy was firmly established.²

➤ *Sporadic Lowering of Tariffs.* Traditionally and for many years the Republicans were the champions of high tariffs and the Democrats of low ones. Consequently, it could be expected that when the Democrats achieved majority power in Congress and a Democrat was in the White House, tariffs would be lowered. This happened in a few instances, notably in the Wilson-Gorman Act of 1894 and the Underwood Tariff of 1913. From the days of Woodrow Wilson to those of Franklin Roosevelt, however, the Democrats were in the minority and thus had no further opportunities for tariff reduction. As a matter of fact, it must be conceded that many otherwise good Democrats fell from grace in the matter of the tariff, largely because the membership of this party has become, in recent decades, so very diverse. Southerners almost by definition have been Democrats, and this caused no trouble as long as they were engaged in farming or commerce or other occupations not assisted by a tariff. But when the Southerner becomes a manufacturer, he is likely to have the same antipathy to the evils, real or imagined, of foreign competition that his Yankee counterpart has. Boston and Birmingham are sisters under the skin in some economic matters, and it has not been unknown for a Southern Democratic senator or representative to deliver a ringing low-tariff speech and then vote for a higher tariff on commodities produced in his district.

➤ *Politics in Tariff Making.* Even proponents of the protective tariff cannot deny that tariff rates have been fixed in as unscientific a manner as possible. To set a tariff rate on a given item is a task for an expert; but, when there are perhaps 3000 items to be considered, there are not enough experts to go around. In any case, Congress has rarely shown interest in constructing a truly scientific tariff; as even an amateur in matters congressional knows, one rarely if ever sees as much lobbying, pork-barrelling, and logrolling in Congress as when a tariff bill is under consideration.³ This pressure of special interests has sometimes gotten out of hand. For example, in 1929-1930 the intention of the Hoover administration in sponsoring the Smoot-Hawley Tariff Act was to increase duties mainly on farm products, but the pressure groups favoring tariffs for all manner of goods descended on Congress, with the result that when the bill was finally passed it raised the average rate on dutiable goods to more than 50 percent—the highest point in history—and extended tariff coverage to more items than ever before.

➤ *The Flexible Tariff Law.* Because of the apparently inevitable political manipulations inherent in this tariff-making process, there have long been pro-

² The standard work on tariff history is F. W. Taussig, *Tariff History of the United States* (Putnam, 8th ed., 1931). See also P. A. Bidwell, *Tariff Policy of the United States; A Study of Recent Experience* (Council on Foreign Relations, New York, 1936).

³ See E. E. Schattschneider, *Politics, Pressures, and the Tariff* (Prentice-Hall, 1935).

were not paid in full, and (although Finland is still paying) there is little reason to believe that they ever will be. Calvin Coolidge is reported to have drawled, when someone mentioned the problem of Europe's repaying the loans. "Wal, they hired the money, didn't they?" The presumption was that an honest man paid his debts, and that was that. But the problem was not that simple. Even if there had been an overwhelming desire on the part of the European debtors to clear the ledgers—and few individuals or nations customarily burn with such desire—it is apparent that our own policies effectively prevented payment. Between individuals or between nations, debts in the long run can be paid only by money, by services, or in kind, and in fact none of these alternatives was open to the European debtors.

Gold is the normal medium of international payments in money, and it is the one that we demanded. But we already had two thirds of the whole world's supply of monetary gold, leaving a very small amount to be distributed among all the other nations of the world. Payment might be in dollars, but the debtor country would earn dollars mainly by selling goods to the United States—and that was precisely what the protective tariff was designed to prevent. As to payment in services, we could and do use some foreign shipping, insurance, and banking services and thus pay dollars to foreign countries which they can in turn use for debt service, but the amount of money thus earned is very small compared to the size of the debts. Payment in kind, by shipment of goods, was out of the question, because of the tariff and kindred politico-economic interests. Thus the means which the foreign nations might conceivably have used to pay their debts to us were rendered unavailable by our own policies. We were in the anomalous position of both demanding and preventing payment.⁶

THE RECIPROCAL TRADE AGREEMENT PROGRAM

Cordell Hull, who was destined to be Secretary of State during virtually all of Franklin Roosevelt's occupancy of the White House, came to that position with a record of public service a quarter century long. During those years a lowering of tariff barriers had become almost a monomania. As soon as he became Secretary of State, in 1933, Mr. Hull set about persuading the President and others that a tariff-reduction program was in the national interest; he succeeded a year later.

Mr. Hull's low-tariff beliefs were greatly reinforced by the events of 1929 and the years following. The depression had been deepened by the Smoot-Hawley Tariff Act, which had raised our rates to the highest known levels. Our export business was badly enough damaged by the European depression, but the retaliation of other countries consequent upon our 1930 act meant the

⁶ See Harold G. Moulton and Leo Pasvolksy, *War Debts and World Prosperity* (Brookings Institution, 1932).

ruination of many American exporters. It was Secretary Hull's conviction that the tariff had been one of the causes of the depression, and that reduction of that tariff was essential to international economic recovery.

As to the effects of the Smoot-Hawley Tariff, Mr. Hull has testified:

When I came into the State Department I found in the files no fewer than thirty-four formal and emphatic protests presented by as many nations following the passing of the Smoot-Hawley high-tariff Act. Nor had their protests been confined to words. Goaded by what they regarded as almost an embargo keeping out their exports to the United States, they retaliated in kind.⁷

Mr. Hull recounts that Switzerland retaliated against our tariff on watches by raising its duties on articles imported primarily from the United States. As a result, our tariff cut imports from Switzerland by 30.5 percent in the year 1930-1931, and the Swiss tariff cut our exports to that country by 29.6 percent in the same period. A combination of this tariff feuding and general depression caused our world-wide exports to drop in 1933 to 52 percent of the 1929 volume and to 32 percent of the 1929 value.⁸ Even these figures do not tell the whole story, since several major American exporters were hit even harder. For example, the value of exports of automobiles and parts, always important export items, dropped from 541.4 million dollars in 1929 to 90.6 million dollars in 1933; the value of exports of wheat and flour in the same period declined from 192.3 million dollars to 18.6 million dollars.⁹

➤ *Reciprocal Trade Agreement Act, 1934.* The Reciprocal Trade Agreement Act was signed by President Roosevelt in June 1934.¹⁰ The philosophy behind it was that which had impelled President McKinley to say in 1901:

We must not repose in fancied security that we can forever sell everything and buy little or nothing. . . . Reciprocity is the mutual outgrowth of our wonderful industrial development. . . . The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem.

⁷ Cordell Hull, *The Memoirs of Cordell Hull* (Macmillan, 2 vols., 1948), Vol. I, p. 355; reprinted by permission of The Macmillan Company. See also Chapters 26, 27, and 37 for general discussions of the trade agreement program. On this program, see also the following: Grace Beckett, *The Reciprocal Trade Agreements Program* (Columbia University Press, 1941); Raymond L. Buell, *The Hull Trade Program and the American System* (Foreign Policy Association, New York, 1938); J. M. Jones, *Tariff Retaliation Repercussions of the Smoot-Hawley Bill* (University of Pennsylvania Press, 1934); John D. Larkin, *Trade Agreements: A Study in Democratic Methods* (Columbia University Press, 1940); J. M. Letiche, *Reciprocal Trade Agreements in the World Economy* (King's Crown Press, 1948); Francis B. Sayre, *The Way Forward; The American Trade Agreements Program* (Macmillan, 1939).

⁸ In the period 1929-1932, imports into the United States dropped from \$4,399,000,000 to \$1,323,000,000. Our exports in the same period dropped from more than \$5,241,000,000 to \$1,611,000,000.

⁹ See Hull, *op. cit.*, Vol. I, pp. 354, 357.

¹⁰ Public Law 316, 73rd Congress, 2nd Session; 48 Stat. at L., 943. The Act was technically an amendment to the Smoot-Hawley Act of 1930. It was effective for three years and was renewed in 1937, 1940, 1943, 1945, 1948, 1949, and 1951.

... A policy of good will and friendly trade relations will prevent reprisal. ... If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?¹¹

It may be noted parenthetically that the "fancied security" mentioned in the first sentence quoted has been unconscionably long a-dying.

The procedure set up by the Reciprocal Trade Agreement Act is, in its essence, simple enough. The Act allows the President to negotiate bilateral trade agreements with foreign countries under the terms of which, in return for equal or similar concessions by the other country, he may lower American tariffs by as much as 50 percent of the amounts fixed in the basic tariff laws.¹² Foreign concessions may take the form of lowered tariffs or of reduction or elimination of quotas or other trade restrictions. The President cannot move an article from the dutiable to the free list or vice versa, but he can "bind" an item on the free list or at a given duty; in other words, he can specify that its tariff status will not be altered during the life of the agreement. Since 1943 each agreement has carried an escape clause authorizing the President to suspend the concessions granted by the United States in case of unforeseen serious injury caused to American business by the operation of the agreement.¹³

➤ *The 1945 Change.* By 1945, agreements had been negotiated with twenty-eight countries, and numerous concessions had thereby been granted and obtained by the United States. The full 50-percent reduction of American tariffs had been granted on 42 percent of our imports, and there had been smaller reductions on another 20 per cent. The result was that our bargaining powers were considerably restricted, since less remained to be offered by us in return for foreign grants. Consequently, in renewing the Act in 1945, Congress authorized a further reduction of 50 percent of the rates in effect at the beginning of that year.¹⁴

➤ *Constitutionality.* The reciprocal agreements do not require the consent of either House or Senate; this approval was presumably given in advance, when the authorizing act was passed. Although they are often referred to as

¹¹ Speech of September 5, 1901; quoted by Letiche, *op. cit.*, p. 3, n. 3.

¹² The President is also authorized to raise our tariff by 50 percent, but manifestly such action would evoke no foreign concessions and it is never used.

¹³ The escape clause has been used very little. By January 1951, only twenty applications for relief had been made, and thirteen of these were dismissed as being obviously without justification. Only one concession had been withdrawn by January 1951, although the other six were under investigation. *The Reciprocal Trade Agreement Program*, Dept. St. Publ. No. 4086 (GPO, 1951), p. 2. According to Mr. Hull, protests against the agreements were not always to be taken seriously: "We even received protests that certain industries had been seriously injured by tariff reduction when, on examination, it developed that no reductions had been made on the products mentioned." Hull, *op. cit.*, Vol. I, pp. 376-377.

¹⁴ The Act as amended in 1945 is in 19 U.S. Code 1351-1354. Statements as to the need for the 1945 revision, made by Department of State officials, will be found in *Docs. Am. For. Rels., 1944-1945*, pp. 481-501. The text of the 1945 act is in *ibid.*, pp. 506-507.

"trade treaties," this is a misnomer. A treaty by definition in American constitutional law is subject to approval by a two-thirds vote of the Senate before ratification, but this procedure is not applied to the Hull agreements. Indeed, the fact that they are not submitted to the Senate for approval has been one of the major grounds for politico-legal sniping at them; it has often been alleged, although with a deep tinge of partisanship, that they represent an unconstitutional delegation of senatorial power to the President.¹⁵ As a matter of law the allegation falls of its own weight, but as a matter of politics it is often appealing. It is fairly well agreed that the constitutionality of the agreements is above reproach under the principles laid down by the Supreme Court in *Field v. Clark* and *Hampton v. U.S.*¹⁶

➤ *Negotiation.* The Act provides that no agreements shall be negotiated without notice to the public and opportunity to interested individuals to be heard. A Trade Agreement Committee has been set up, composed of representatives of the Tariff Commission, the Mutual Security Agency, and the Departments of State, Treasury, Agriculture, Labor, Interior, Commerce, and Defense; to this committee is delegated the task, discharged mainly through numerous subcommittees, of determining the countries with which we will seek to negotiate agreements and the commodities to be covered. Once this committee has decided that an agreement is desirable with a given country, it drafts a tentative one. Formal public notice is then given that written briefs will be received before a given deadline and that a public hearing will be held on a stated date at least thirty days in the future before the Committee for Reciprocity Information. This committee is composed of representatives of the Departments of State, Agriculture, Treasury, Commerce, and Defense and of the Tariff Commission. When domestic producers and others interested have been afforded an opportunity to be heard, the Department of State, having made whatever revisions in its draft seem appropriate in view of the hearings, proceeds to the actual negotiation with the foreign country. When the two agree on one

draft, and heads of state approve, the agreement goes into effect on the date specified in the text.¹⁷

➤ *Most-favored-nation Clause.* The very controversial most-favored-nation clause, when inserted into a treaty, is essentially a guarantee given by one country to a second that if in future the first grants concessions to a third which are greater than those currently allowed the second, the latter will be permitted to take advantage of all such concessions. Prior to 1923 the United States operated on the basis of the "conditional" most-favored-nation clause; that is, we would extend the added concessions only if the other party granted us "equivalent" concessions. However, since that date we have generally used the "unconditional" clause; in other words, we have extended the concessions without requiring proof of *quid pro quo*, so long as the other country affords us unconditional treatment and does not discriminate against our trade. This is the policy followed in the Hull agreements.

Since the unconditional clause has been widely attacked as representing a gullible giveaway policy on the part of the Department of State, we should inquire into the reasons for its use.¹⁸ There are four basic reasons: (1) Although use of the conditional form requires other nations to make "equivalent" concessions, in practice it is almost physically impossible to determine whether they are actually equivalent. Much friction can be generated between foreign offices over the question of whether one has actually granted the other "equivalent" concessions, and such arguments can drag on interminably. This unpleasantness does not arise under the unconditional practice. (2) Conditional treatment involves a mass of complicated bookkeeping, as becomes apparent when one considers that we have at least one commercial treaty with almost every nation on earth. Separate books must be kept and separate practices adhered to, for each individual country, depending on the manner in which it treats our commerce, if we follow the conditional practice. The game, from the administrative point of view, is too complex to be worth the candle. (3) There is not in the unconditional practice as much "giving away" on the part of the United States as there would appear to be. Usually we make the agreement lowering tariffs on an item in the first place with that country which is our principal supplier of that item. We offer to cut our tariff on one commodity, and thus we obtain bargaining power to seek reductions in tariffs on others which we export. There is presumably a rough equality of gain in such a transaction. If now most-favored-nation treatment demands that we also cut

¹⁷ Actual negotiation is done under supervision of the State Department's Division of Commercial Policy. Good brief descriptions of the process of negotiation are found in Letiche, *op. cit.*, pp. 18-23; *Department of State Bulletin*, Mar. 21, 1948, pp. 368-369; and Hull, *op. cit.*, Vol. I, pp. 366-377.

¹⁸ See Henry J. Tasca, *The Reciprocal Trade Policy of the United States* (University of Pennsylvania Press, 1938), pp. 82-92; Richard C. Snyder, *The Most-Favored-Nation Clause* (King's Crown Press, 1948), pp. 211-222; Hull, *op. cit.*, Vol. I, pp. 360-363.

ized agencies, there was held in Geneva in 1947 a tariff-reduction conference of great importance, which resulted in the conclusion of the General Agreement on Tariffs and Trade (GATT). By this agreement the United States, acting under the authorization of the Trade Agreement Act, concluded a bilateral tariff-reduction agreement with each of the twenty-two other nations represented. A similar conference took place at Annecy, France, in 1948, and a third at Torquay, England, in 1950-1951. In sum, by early 1951 the United States had reciprocal trade agreements in effect with forty-five countries; 75 percent of our foreign trade is with them; together, these forty-six countries account for 82 percent of the foreign trade of the world.²⁰ The expansion of our foreign trade inherent in such a network of agreements would have been inconceivable if all the individual arrangements had had to run the gauntlet of a lobby-ridden Congress.

➤ *Termination of Agreements.* As noted in the preceding chapter, one tactic employed by the United States in the Cold War was the termination of trade concessions previously extended to the Soviet Union and its satellites. By provision of the 1951 extension of the Trade Agreement Act the President was ordered to suspend all concessions granted since 1934 to these states, and this he proceeded to do in late 1951.²¹ Although one can easily comprehend the desire to retaliate against Soviet actions, the wisdom of this reaction may be questioned, since thereby we ended concessions made to us as well as those made by us.

THE "TRUMAN DOCTRINE"

➤ *Postwar Greece and Turkey.* The Hull trade program was a significant attempt to solve a particularly pressing economic problem, but after 1945 that problem was dwarfed by a mountain of others. Greece, for example, which was never a rich country, had suffered exceptionally in World War II, through foreign invasion, occupation, liberation, and then, as though to cap the climax, civil war, inflation, and foreign Communist intervention.²²

Turkey after 1945 did not find itself in dire economic straits, as did Greece,

²⁰ *Department of State Bulletin*, Feb. 5, 1951, p. 210. Letiche, *op. cit.*, pp. 36-82, has useful textual and statistical matter bearing on the trade agreements program and GATT. As of 1949, two thirds of American imports were duty-free; the Smoot-Hawley Act levied an average duty of 53 percent on the dutiable items. After GATT, the corresponding figure was about 15 percent. These figures are somewhat misleading, however, in that they do not indicate difference in price levels and in that they are averages of widely varying extremes. Many duties are still completely protectionist. See Economic Cooperation Administration, *Report of the ECA-Commerce Mission* (GPO, 1949), pp. 194-196.

²¹ See *Department of State Bulletin*, July 16, 1951, pp. 95-96; *New York Times*, Oct. 7, 1951, p. E2; *ibid.*, Nov. 25, 1951, p. E2.

²² The degree of Greek inflation is illustrated by the retail price index. Using the 1938 level as a base of 100, the index in 1947 averaged 15,000, and in 1948 it rose to 21,500. See Economic Cooperation Administration, *Recovery Guides*, No. 22 (ECA, Washington, 1951), p. 147.

since it had emerged unscathed from the war. However, Turkey sat astride the Dardanelles, upon which the Russians, tsarist and communist alike, had cast covetous eyes for many a generation. After the war there was unmistakable evidence of the Soviet desire to bring Turkey behind the Iron Curtain, and thus to imperil Anglo-American strategic and economic interests in the entire Mediterranean region. The Kremlin served demands on Turkey for the cession of certain frontier provinces and for a measure of control over the Dardanelles. Although the pressure was repulsed for the time being, there was no question of the threat to the Suez Canal and to Western sources of petroleum in Iran, Iraq, and Arabia.²³

➤ *British Retirement.* British troops had liberated Greece from Nazi occupation, and in view of the extremely unsettled local political situation they remained after 1945 to preserve order. Postwar Britain, however, was only a shadow of its former self, and it soon found unbearable the costs involved in policing Greece, Palestine, Germany, India, and numerous other areas of its concern. Its industrial plant and merchant marine were so damaged by the war that it was unable to export enough goods to pay its bills; its precarious economic position forced it to reduce its commitments. Accordingly, in February 1947 Britain's ambassador in Washington announced that after the end of the following month Britain's economic and military assistance would be withdrawn from Greece, and that it would no longer be able to assume responsibility for pacification of that inflation- and revolution-ridden land. The same applied to Turkey.

➤ *Truman's "Doctrine."* This decision posed a problem for the United States: what effect would such British action have upon American interests? In view of Communist guerrilla activity it seemed most likely that British troop departure would be the cue for Communist revolution, that Greece would disappear behind the Iron Curtain, that Turkey would be next on the Russian menu, that the eastern Mediterranean would thus be endangered, that American allies in the persons of the British and French would be in peril, and that in general the strategic position of the Western democracies would be seriously weakened. The problem had many economic implications as well, but it was basically one of military strategy.

Greece must have assistance if it is to become a self-supporting and self-respecting democracy.

The United States must supply that assistance. We have already extended to Greece certain types of relief and economic aid, but these are inadequate. . . .

As in the case of Greece, if Turkey is to have the assistance it needs, the United States must supply it. We are the only country able to provide that help.

I am fully aware of the broad implications involved if the United States extends assistance to Greece and Turkey. . . .

One of the primary objectives of the foreign policy of the United States is the creation of conditions in which we and other nations will be able to work out a way of life free from coercion. . . .

We shall not realize our objectives, however, unless we are willing to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes. This is no more than a frank recognition that totalitarian regimes imposed on free peoples, by direct or indirect aggression, undermine foundations of international peace and hence the security of the United States. . . .

I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures. . . . It is necessary only to glance at a map to realize that the survival and integrity of the Greek nation are of grave importance in a much wider situation. If Greece should fall under the control of an armed minority, the effect upon its neighbor, Turkey, would be immediate and serious. Confusion and disorder might well spread throughout the entire Middle East. . . .²⁴

➤ *Congressional Action.* The President's proposal was on the whole favorably received by Congress and the general public, and two months later Congress authorized appropriations of 400 million dollars for the fiscal year ending in June 1948.²⁵ Of this sum 100 million dollars was later earmarked for Turkey, to finance programs that were almost wholly military; the remainder went to Greece, with the intent that half was to be spent for military and half for economic reconstruction. As a matter of fact, it was found necessary to channel considerably more than half into the military needs.²⁶ In addition to making the money available and authorizing the use of numerous American advisers, Congress stipulated that conditions precedent to the release of the money should be permission of free access by United States officials to observe the expenditure of the money, free movement of American press and radio reporters, Greek agreement not to transfer any property received under the act without

²⁴ *Docs. Am. For. Rels.*, 1947, pp. 646-650; numerous other significant documents bearing on the Greek-Turkish aid program are reprinted in this same volume, pp. 642-688.

²⁵ Public Law 75, 80th Congress, 1st Session; approved May 22, 1947; text in *Docs. Am. For. Rels.*, 1947, pp. 674-678.

²⁶ See *United States in World Affairs*, 1947-48, pp. 472-475.

presidential approval, and Greek obligation to give "full and continuous publicity . . . as to the purpose, source, character . . . amounts, and progress of United States economic assistance carried on therein pursuant to this Act." These conditions were included in the agreements shortly thereafter negotiated with the Greek and Turkish governments.²⁷

➤ *Significance of the Doctrine.* By this action, the United States indicated its intention of assuming the mantle of international leadership which Britain was laying down. More important, President Truman's message and the subsequent legislation had the effect of pledging the United States to opposition to outbreaks of Communist pressure anywhere and any time; this was the conclusion to be drawn from the last quoted paragraph of the President's message. There was reason to believe, as many did, that the program was overhastily conceived on this point, and that it was biting off more than the nation could chew.

➤ *Criticism of the Doctrine.* The program has been criticized as over-ambitious, and also on the grounds that, our professed allegiance to the United Nations notwithstanding, we almost completely ignored that institution in our proposals to save Greece and Turkey. The latter fact was immediately thrown in the face of the administration, which was forced to explain, rather lamely, that the UN had neither the money nor the organization to do the job. Although this was probably true, the explanation apparently came as an afterthought. Senator Vandenberg, then chairman of the Senate Foreign Relations Committee and respected leader, saved some measure of face for the government by proposing an amendment to the aid bill by which the activities of the United States in Greece and Turkey would cease immediately when the UN indicated its ability and desire to take them over.

Further objections were raised by those who regarded this action as a threat to the Soviet Union which might provoke retaliation. Nonetheless, whatever the program's shortcomings, it was put into operation, and it was quite generally credited with major influence in stopping what had appeared to be an irresistible Russian advance toward the west. In any case, within three months the Truman Doctrine was overshadowed by a further-reaching proposal, named after Mr. Truman's Secretary of State.

THE MARSHALL PLAN

➤ *Europe's Economy, 1947.* Although attention was concentrated on the Balkans and the Truman Doctrine in the spring of 1947, it was apparent to many observers that western Europe was in an extremely unsatisfactory posi-

²⁷ The Greek agreement is in *Docs. Am. For. Rels.*, 1947, pp. 681-684; that with Turkey is in *The Turkish Aid Program*, Dept. St. Publ. No. 3014 (GPO, 1948), pp. 22-24; both are in *A Decade of American Foreign Policy*, pp. 1261-126

tion. The great work done by the United Nations Relief and Rehabilitation Administration (UNRRA) was coming to a close. The indices of industrial production, although approaching prewar normals in some countries or commodities and even exceeding them in a few, left much to be desired. Production of coal, basic to all industry, was not back to par. Food production, impaired by lack of fertilizers and machinery, was set back first by droughts and then by the exceptionally severe winter of 1946-1947. Since production was not high enough to satisfy even domestic needs, exports were minuscule; since exports were outweighed by imports, there was an unfavorable balance of trade. A large proportion of the imports came from the United States, whose factories, not having been bombed, were in excellent condition and whose productive capacity had doubled since 1940. But payment had to be made in dollars, which were in notoriously short supply in Europe. American exports exceeded imports by about eight billion dollars in 1946 and by more than eleven billions in 1947; somewhat more than one half of these figures represented the "dollar gap" in trading with Europe proper. Since V-E Day the United States had loaned or given eleven billion dollars to Europe, but this sum, it appeared, was only a stopgap. Clearly something needed to be done about European economic resuscitation, but, as Secretary of State George Marshall said, "The patient is sinking while the doctors deliberate."²⁸

➤ *American Motivation.* When Secretary Marshall proposed a program of economic aid to Europe, it aroused exceedingly diverse views. The Kremlin expressed the opinion that the plan was motivated solely by the desire of the ruling circles of Wall Street imperialists to extend their fascist regime over all of Europe, and even in the United States some few agreed with this view. Some right-wing isolationist Americans regarded the European Recovery Program (ERP) as simply another futile attempt of a financially irresponsible national administration to buy its way to prosperity and political control. A considerable group of more thoughtful Americans seriously questioned whether the United States could afford to expend fifteen to twenty billions in this manner over a four-year period. Another wing of opinion reversed the wording and wondered whether, in view of the apparently imminent danger of communization of western Europe, the United States could afford not to do so; this group reasoned that people would not go Communist if they were fed, housed, and employed, and that we would be foolish not to prime the European economic pump, when the cost to the United States was so much less than the alternative cost of rearming to meet the military threat of a Communist-dominated Europe.²⁹

²⁸ Quoted in *United States in World Affairs, 1947-48*, p. 56.

²⁹ When President Truman estimated the four-year cost of the Marshall Plan at about seventeen billion dollars (it turned out to be about 12.3 billion dollars to the end of 1951), he computed that this was equal to about 5 percent of the direct cost of World War II to the United States, and that it was less than 3 percent of the national income of the United States during the life of the program. See also Stacy May, "Measuring the Marshall Plan," *Foreign Affairs*, Apr. 1948, pp. 457-469. Former ECA Administrator Paul Hoffman has pro-

Many were tired of trying to put out the European fires—in Greece, Turkey, England, or elsewhere—with only a bucketful of water at a time, and decided that now was the time to use ERP as a firehose to extinguish the blaze once and for all.

Possibly the most succinct official statement of the plan's motivation was that of Secretary of Commerce Harriman's Committee on Foreign Aid, which averred that the United States had a "vital interest—humanitarian, economic, strategic, and political—in helping the participating countries to achieve economic recovery." Humanitarian interest there surely was: the cultural heritage from western Europe aroused in the minds of many Americans a determination that their original fatherlands should not fall to Communist imperialism. Economic interests presented themselves in a variety of ways. There was, for one thing, the short-range desire simply to get Europe off relief and into self-supporting production. In the longer range there was the motive of re-establishing the European economy so that it would be enabled to produce enough to support itself and to settle its balance of international payments; thus it could stop borrowing or obtaining grants from the United States—as it had been doing, in one way or another, ever since World War I—in order to pay debts owed to the United States. Furthermore, if European purchasers had enough productive capacity to earn dollars with which to buy American exports, American industries, many of which verge on bankruptcy if their foreign markets are seriously diminished, would be materially aided. Not only does the United States export large quantities of such manufactured goods as cars and trucks, farm equipment, and business machines but also very significant proportions of its agricultural production. In 1949, for example, the United States exported 40 percent of its rice production, 37 percent of its cotton, 29 percent of its tobacco, 27 percent of its wheat, and 24 percent of its lard.³⁰

The strategic and political motives of Marshall Plan aid were intertwined. As democrats ourselves, we naturally wished democracies to survive elsewhere, although the Marshall Plan countries were by no means exclusively democracies. A revived European economy could put men to work at something near fair wages, and this in itself would cut much ground out from under the feet of

tested the use of the term "foreign aid" in this connection, on the ground that "... 'foreign' denotes something alien to us; 'aid' denotes charity. What we call 'foreign aid' is neither of these; ... It is not aid at all; it is insurance and enterprise. ... I am profoundly convinced that there are occasions in which the interests of the American people are best served by investing some of our dollars abroad. Such investments should be made not in terms of charity but because they will promote our prosperity by promoting world prosperity; or because they will increase our security by increasing world security; or because a few dollars spent wisely now will save us many dollars in the future. This is not philanthropy; it is hard-headed, free enterprise." "World Investment," not 'Foreign Aid,'" *New York Times Magazine*, Feb. 3, 1952, p. 7. Reprinted by permission of the *New York Times* and Mr. Hoffman.

³⁰ U.S. Department of Agriculture, *Foreign Agricultural Outlook Charts 1951* (GPO, 1950), pp. 8-9.

Communist agitators. A reinvigorated Europe would also be in a position to build up the military force, and the economic plant on which the military force must be based, which could stem a westward push from the Kremlin. If worst came to worst—that is, if the Soviet Union attacked—the strategic position of the United States would be immeasurably strengthened by the existence of a number of countries between Russia and the Atlantic that would have the will and the means to take the brunt of the attack and thus fend it off from us at least temporarily, just as had happened in World Wars I and II.

In other words, the administration's point of view was that the proffer of aid was in the national self-interest. It was also clear that there was a considerable measure of enlightenment in the selfishness. Although the argument as to economic and strategic advantages may have appealed primarily to the group that was fairly well informed on matters international, the Marshall Plan was "sold" to the American public largely on the grounds that it would stop communism. To many, the positive economic motives thus seemed less important than the negative one of keeping Stalin in the Kremlin.

A month before the Marshall proposals were presented, Under Secretary of State Dean Acheson had made a speech of great but currently unappreciated significance, in which he made the point that the United States must, in its own interest, render assistance to Europe. He stressed the obvious facts of European economic dislocation and of the destruction of "two of the greatest workshops of Europe and Asia—Germany and Japan." After referring to UNRRA and Greek-Turkish aid, he said:

These measures of relief and reconstruction have been only in part suggested by humanitarianism. Your Congress has authorized and your Government is carrying out a policy of relief and reconstruction today chiefly as a matter of national self-interest. For it is generally agreed that until the various countries of the world get on their feet and become self-supporting there can be no political or economic stability in the world and no lasting peace or prosperity for any of us. . . . The war will not be over until the people of the world can again feed and clothe themselves and face the future with some degree of confidence. . . .

What do these facts of international life mean for the United States and for United States foreign policy?

They mean first that we in the United States must take as large a volume of imports as possible from abroad in order that the financial gap between what the world needs and what it can pay for can be narrowed. There is no charity involved in this. It is simply common sense and good business. We are today obliged from considerations of self-interest and humanitarianism to finance a huge deficit in the world's budget. The only sound way to end this deficit financing is by accepting increased quantities of goods from abroad. . . .

The facts of international life also mean that the United States is going to have to undertake further emergency financing of foreign purchases if foreign countries are to continue to buy in 1948 and 1949 the commodities

which they need to sustain life and at the same time rebuild their economies. . . .

It is one of the principal aims of our foreign policy to use our economic and financial resources [to aid in the maintenance of human dignity and democracy]. It is necessary if we are to preserve our own freedoms and our own democratic institutions. It is necessary for our national security. And it is our duty and our privilege as human beings.³¹

Seldom has the foundation of foreign policy in enlightened self-interest been more clearly expressed by an official of our government. Toward the end of 1947 Secretary Marshall said, in the same vein: ". . . we find ourselves . . . in a world position of vast responsibility. We can act for our own good by acting for the world's good."³²

➤ *Marshall's Harvard Address.* With the groundwork laid in Under Secretary Acheson's speech, and only two weeks after presidential approval of the Greek-Turkish aid bill, Secretary of State Marshall proposed his plan in a major policy speech at Harvard University.³³ After mentioning the sorry state of the European economy, he went on to say:

The truth of the matter is that Europe's requirements for the next three or four years of foreign food and other essential products—principally from America—are so much greater than her present ability to pay that she must have substantial additional help, or face economic, social, and political deterioration of a very grave character.

The remedy lies in breaking the vicious circle and restoring the confidence of the European people in the economic future of their own countries and of Europe as a whole. . . .

It is logical that the United States should do whatever it is able to do to assist in the return of normal economic health in the world, without which there can be no political stability and no assured peace. Our policy is directed not against any country or doctrine but against hunger, poverty, desperation and chaos. Its purpose should be the revival of a working economy in the world so as to permit the emergence of political and social conditions in which free institutions can exist. Such assistance . . . must not be on a piecemeal basis as various crises develop. Any assistance that this Government may render in the future should provide a cure rather than a mere palliative. Any government that is willing to assist in the task

³¹ Speech of May 8, 1947. Text in *Docs. Am. For. Rels.*, 1947, pp. 159-163.

³² *A Decade of American Foreign Policy*, p. 1277.

³³ Speech of June 5, 1947. Text in *Docs. Am. For. Rels.*, 1947, pp. 9-11; *A Decade of American Foreign Policy*, pp. 1268-1270. For further reading on the Marshall Plan, and in addition to sources cited in later footnotes in this chapter, see the following: *The European Recovery Program: Basic Documents and Background Information*, Sen. Doc. No. 111, 80th Congress, 1st Session (GPO, 1947); Hamilton Fish Armstrong, *The Calculated Risk* (Macmillan, 1947); Howard S. Ellis, *The Economics of Freedom* (Harper, 1950); Barbara Ward, *The West at Bay* (Norton, 1948), Chapters 9, 10-12, 14, and 19; International Studies Group of Brookings Institution, *Current Issues in Foreign Economic Assistance* (Brookings Institution, 1951); *United States in World Affairs*, 1947-48, pp. 49-59, 416-510; *ibid.*, 1948-49, pp. 15-21, 150-207, 509-512; "European Recovery," in *Int. Concil.*, No. 447, Jan. 1949; John H. Williams, "The Task of Economic Recovery," *Foreign Affairs*, July 1948, pp. 616-631; and the summaries in *Int. Org.*, starting with the issue for Feb. 1948.

of recovery will find full cooperation, I am sure, on the part of the United States Government. Any government which maneuvers to block the recovery of other countries cannot expect help from us. Furthermore, governments, political parties or groups which seek to perpetuate human misery in order to profit therefrom . . . will encounter the opposition of the United States.

. . . before the United States Government can proceed much further in its efforts to alleviate the situation . . . there must be some agreement among the countries of Europe as to the requirements of the situation and the part those countries themselves will take. . . . The initiative, I think, must come from Europe. The role of this country should consist of friendly aid in the drafting of a European program and of later support of such a program so far as it may be practical for us to do so. The program should be a joint one, agreed to by a number, if not all, European nations. . . .

Marshall was evidently advising the European nations that, if they would get together and compute their resources and their needs, they could count upon American help. This was no Truman Doctrine of military and economic aid to two nations; it was an offer restricted to economic assistance, and it was open to all of Europe, including Russia and its satellites. The Anglo-French reaction was one of immediate and wholehearted acceptance. Others held back, fearful that the proposal would split Europe into two armed camps. The Soviet Union's initial reaction was one of mild interest, but before long the party line called for denunciation of the Marshall Plan as American fascist imperialism in new clothes.³⁴

➤ *The Paris Meeting.* Anglo-French conversations were held at once, and in July 1947 representatives of Britain and France were joined by Molotov, Foreign Minister of the Soviet Union. It speedily became clear that he had no idea of joining hands with the other states; his fulminations against the United States proved that. Undeterred, the British and French governments sent out invitations for a planning conference to meet in Paris in late July. Fourteen nations accepted: Austria, Belgium, Denmark, Eire, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland, and Turkey.³⁵ These nations and the two hosts were the original "Marshall Plan nations"; they were later joined by Trieste and Western Germany. Some of the Soviet satellites immediately spurned the invitation. Czechoslovakia, with men of the stature of Beneš and Masaryk still in the government, tentatively decided to accept; but within a few days the Kremlin decreed to the contrary and Czechoslovakia was obliged to decline. Russian opposition to the Marshall Plan had been made plain.

A brief meeting of the Conference for European Economic Cooperation,

³⁴ For example, see the speech made by Andrei Zhdanov in Poland in September 1947; text in *U.S. News and World Report*, Jan. 16, 1948, pp. 68-71.

³⁵ The inclusion of Greece and Turkey in the Marshall Plan was indicative of the Plan's tacit absorption of the Truman Doctrine.

as it was called, was held in Paris in July. This body set up a Committee of European Economic Cooperation (CEEC) and four subsidiary technical committees (on iron, fuel, food, and transportation), instructed them to study Europe's present economy and the individual and collective measures that could be undertaken to improve it, and ordered them to report by September 1947.

➤ *The CEEC Report.* The final report, as sent to Secretary Marshall in September 1947, represented Europe's attempt to fulfill the specifications of the Harvard speech. The report had been drawn up entirely by Europeans, and it included their conception of what each individual nation could do to promote recovery, what could be accomplished cooperatively, and, finally, what aid would be requested of the United States.³⁶ The proposals set production goals for key industries, sought to achieve internal financial stability and absence of inflation, and, what was possibly of greatest long-range importance, recognized that the European national economies were so interdependent as to make desirable the abolition of quotas and other restrictions on foreign trade. Finally, aid was requested from the United States in the amount of 22.4 billion dollars over the next four years.

➤ *A Divided Europe.* One of the most hotly disputed issues of the Paris Conference had been the inclusion of Germany in the recovery program. That it was finally included was a tribute to the simple fact that Germany was the economic heart of Europe. Several CEEC countries had known German invasion, and none of them professed any love for Hitler or Nazis; but Germany was a geographic and economic fact which could not be ignored. This decision involved a tacit recognition of the partition of Germany, since the Soviet zone of occupation would have nothing to do with the Marshall Plan. The Plan did not split Germany; rather, it recognized a *fait accompli*: Potsdam's talk of "German economic unity" had long since become merely fine words.

By this same token, the acceptance or rejection of the Marshall offer marked the division of Europe along the north-south line of the Iron Curtain. Secretary Marshall had opened his offer to all of Europe, but the Russians could hardly be expected to go along with a scheme which, if successful, would effectively block further westward penetration of communism. The Russian attitude was exemplified in the creation of the Communist Information Bureau at Belgrade—the "Cominform"—much of the energy of which was directed toward exposing the "imperialist" nature of the Marshall Plan.³⁷ But in this instance the initiative had been grasped by the United States.

➤ *American Action.* While all this was going forward in Europe, it was easy to forget the important fact that no action had been taken by Congress,

³⁶ Extensive extracts from and summaries of the CEEC Report will be found in "The European Recovery Program," *Int. Concil.*, No. 436, Dec. 1947, pp. 793-827; see also *World Report*, Oct. 7, 1947, pp. 28-47; and *ibid.*, Jan. 6, 1948, pp. 34-39.

³⁷ See *World Report*, Oct. 21, 1947, pp. 33-35, for text of the communiqué announcing formation of the Cominform and for an anti-Marshall-Plan manifesto.

which would have to authorize and finance the program. Wholehearted approval was not lightly to be assumed from senators and representatives many of whom were becoming increasingly critical of large grants to Europe and of what seemed a policy of staggering from one crisis to another without pursuing any long-range plan. Public opinion on ERP was difficult to appraise, since there was much confusion and misunderstanding of it. However, many top organizations of farmers, labor unions, and manufacturers indicated approval. Within Congress bitter opposition was expressed by such Republicans as Senators Wherry, of Nebraska, and Taft, of Ohio. The whole project was, in the expressed opinion of some, nothing better than "Operation Rat-Hole." Others, who composed the great majority, had a more favorable attitude.

Anticipating at least some of the questions that would be asked, President Truman in June 1947 appointed three committees to study as many aspects of the problem. One, under Secretary of the Interior Krug, was directed to analyze the effects of such a program on American natural resources; its report indicated that their depletion would not be dangerous. The second committee was the President's Council of Economic Advisers, which examined the potential impact of the Marshall Plan on the domestic economy generally. The Council reported that, although some shortages would doubtless develop, there was no serious domestic economic impediment to the application of the recovery program. Secretary of Commerce Harriman headed a Committee on Foreign Aid, whose task was to determine how much American aid could wisely be extended to Europe. This group also reacted favorably; it estimated that the four-year cost of the program might run to seventeen billion dollars, but considered it worth while, since American economic, political, and military interests would be protected.

In addition, the House of Representatives set up a Select Committee on Foreign Aid, a subcommittee of which, under Representative Herter, of Massachusetts, toured Europe and reported favorably.³⁸ Many individual members of Congress toured Europe in the summer of 1947, and the great majority returned with the conviction that aid was essential both to Europe and to the United States.

In December 1947 the administration sent to Congress a detailed draft of the proposed European Recovery Program.³⁹ Out of the following three months' debate emerged a rather surprising measure of agreement as to the necessity of following Marshall's proposals; the legislation was passed with only seventeen dissenting votes in the Senate and seventy-four in the House. Considering that this was the Republican-controlled Eightieth Congress passing upon a Democratic proposal, such votes were significant. It was understood

that ERP was to differ from UNRRA or the Truman Doctrine in that it was not a relief measure of temporary nature but was intended to spur on the economic rehabilitation of Europe, so that after completion of the plan, in 1952, Europe would no longer be on an American dole. Furthermore, this was a cooperative program embracing matters of interest to the whole European continent, and, at least in its inception, this was to be a program strictly of economic aid; Marshall Plan money was to buy butter, not guns.

➤ *Foreign Assistance Act, 1948.* On April 3, 1948, the President signed into law the Foreign Assistance Act of 1948, carrying authorizations of appropriations totaling 5.3 billion dollars for the operation of ERP for the first year, in addition to other sums for China, Greece, and Turkey.⁴⁰ The Act required that, in order to obtain assistance, each European country involved must sign an agreement with the United States under which the former would undertake to cooperate with the other countries along the lines laid down by the CEEC report, to increase production, reduce trade barriers, and restore or maintain currency stability.⁴¹ Under the Act the United States agreed to give or loan money to the foreign government, which would then buy supplies through private channels of trade and sell them to its citizens, receiving local currency in return. This currency was paid into a "counterpart fund," to be used for still further local improvements. Five percent of this fund was reserved for the use of the United States government; proceeds from it paid administrative expenses and were also used for the purchase of strategic raw materials to be added to the American stockpile. The other 95 percent was for the use of the local ERP government, but it could be spent only with the approval of the Economic Cooperation Administration (ECA). These monies were in fact put to numerous uses: reduction of internal debts, rebuilding of war-devastated railroads, public works construction, public health work, and many others. American control was extensive, in determining what aid was to be contributed and in vetoing, if necessary, proposed counterpart fund expenditures. By the termination of ERP, at the end of 1951, ECA grants amounted to about 12.3 billion dollars and the counterpart funds to more than 9 billion dollars.⁴²

⁴⁰ Public Law 472, 80th Congress, 2nd Session; text in *Docs. Am. For. Rels., 1948*, pp. 195-220. One million of the 5.3 billion was earmarked for loans and the remainder for outright grants. Title I of the Act, which provided for Marshall Plan aid, was officially named the Economic Cooperation Act of 1948; other titles made aid available to China, Greece, and Turkey. On the Far Eastern programs of the Economic Cooperation Administration, see *Thirteenth Report to Congress of the Economic Cooperation Administration* (GPO, 1951), pp. 70-85.

⁴¹ As an example of such agreements, see that with Italy, signed at Rome, June 28, 1948; text in *Docs. Am. For. Rels., 1948*, pp. 229-238. A list of such agreements is in *ibid.*, p. 242. None was signed with Switzerland, since that country, although cooperating with the OEEC, did not receive any American grants.

⁴² On uses of the counterpart funds, see the above-cited *Thirteenth Report of the ECA*, pp. 56-60, 125-129, 133-134; on funds for the purchase of strategic materials for stockpiling, see *ibid.*, pp. 86-89. Some of the latter monies were employed in the form of loans for discovery or exploitation of mineral deposits, and were repaid not in cash but in aluminum, industrial diamonds, lead, and zinc.

➤ *Administration of ERP.* The Foreign Assistance Act created the Economic Cooperation Administration, under an Administrator appointed by the President. ECA was placed outside the Department of State, and any disputes between the two agencies were to be settled by the President himself.⁴³ A United States Special Representative in Europe, with ambassadorial status, was placed in general charge of European operations, subject to the ECA Administrator. To each receiving country a special ECA mission was sent; it was attached to the regular diplomatic mission, and its head ranked as minister and was just below the chief of the diplomatic mission. At peak strength, ECA personnel numbered some 2400, including those stationed in Washington and in twenty-five missions around the world.

In practice vast discretionary power was vested in the ECA Administrator. The 1948 act laid down general statements of policy, and beyond that it empowered the Administrator to "... formulate programs of United States assistance under this title, including approval of specific projects ... submitted to him by the participating countries," and to cut off aid to any noncooperative country. The Act also created a "watchdog" Joint Committee on Foreign Economic Cooperation of five senators and five representatives, "... to make a continuous study of the programs of United States economic assistance to foreign countries, and to review the progress achieved in the execution and administration of such programs." The President was further required to make quarterly reports to Congress on the operations of ECA; but, although some measure of congressional control could be exercised through these pressures, ECA was left largely in a position of being able to allocate funds as it saw fit. In actual practice most of this allocation task was assigned to the Organization for European Economic Cooperation. The Organization for European Economic Cooperation (OEEC) is an association of all eighteen Marshall Plan nations.⁴⁴ Although originating in 1947 meetings, it was formalized by a treaty of April 1948 whereby it was created on a permanent basis.⁴⁵ The treaty established a governing Council, in which each participating country would have one vote; a seven-man Executive Committee, to discharge interconference functions; and a Secretariat. By the treaty the member states agreed to undertake to reduce trade barriers,⁴⁶ to stabilize their currencies, to do other things that would con-

⁴³ Mr. Paul G. Hoffman, first ECA Administrator, has testified that no such conflict ever had to be taken to the President for settlement. *Peace Can Be Won* (Doubleday, 1951), p. 122. Chapter 6 of Mr. Hoffman's book is a popular account of Marshall Plan conception and operation.

⁴⁴ The eighteen include the sixteen that attended the Paris meetings of July 1947, plus Trieste and Western Germany.

⁴⁵ The treaty was signed in Paris, April 16, 1948; text in *Int. Org.*, June 1948, pp. 420-426; and in *Docs. Am. For. Rels.*, 1948, pp. 244-250. See H. J. B. Lintott, "The OEEC," *Int. Org.*, May 1949, pp. 269-277. OEEC itself has published a convenient pamphlet on its organization and functions, *The Organization for European Economic Cooperation* (OEEC, Paris, 1950).

⁴⁶ This is not merely a matter of tariff reductions but also of removal of such restrictions

tribute to a joint economic recovery, and to continue the OEEC even after the scheduled expiry of Marshall aid, on June 30, 1952. The OEEC, as the general European coordinating agency, was given the immense task of determining what amount of Marshall Plan aid would go to each country.

➤ *Integration of Europe.* One reason for conferring upon the OEEC so huge a responsibility was the conviction, which had long been expressed both by Congress and by the ECA Administrator (Paul Hoffman), that in the long run Europe's economic and political salvation demanded "integration" of the continent; it was felt that such a movement might be speeded by making the nations work together, as on fund allocation, through OEEC.

Congress' declaration of policy at the very outset of the Foreign Assistance Act of 1948 recognized the advantages that the United States had enjoyed by virtue of the absence of internal trade barriers, and it indicated the intention of encouraging the creation of such a situation in Europe. ECA Administrator Hoffman preached the same gospel time after time, until it became apparent to Europeans that "integration" was truly a major point in American policy; it was, incidentally, a point for which there was a notable lack of enthusiasm in many continental quarters.⁴⁷ Some pretended not to comprehend the meaning of "integration," although Mr. Hoffman phrased the idea clearly enough: "... the formation of a single large market within which quantitative restrictions on the movement of goods, monetary barriers to the flow of payments and eventually all tariffs are permanently swept away." Mr. Hoffman was by no means the only advocate of "integration" or the only one who believed in the necessity of ultimate political union; but nationalist-individualist pressures remained disappointingly strong from the point of view of the integrationist.⁴⁸

➤ *Economic Effects of ERP.* Although ERP might not bring about European union, there was impressive evidence that it was succeeding in other respects. First, Italy, France, and Greece did not go Communist, and there is little doubt that the Marshall Plan was a main reason for this fact. As of 1946 or 1947 many were prepared to write off these three nations as lost to the Communists. Secondly, indices of industrial production rose markedly. After World

as quotas. In 1949 the ERP countries agreed to remove these restrictions on at least 50 percent of their trade with others of the ERP group by the end of 1949, and to carry the process further in succeeding years. See OEEC, *European Recovery Programme: Second Report of the OEEC* (OEEC, Paris, 1950), pp. 19-20, 224-227. Excerpts from this report are in *Docs. Am. For. Rels.*, 1949, pp. 232-237.

⁴⁷ For examples of Mr. Hoffman's statements, see *United States in World Affairs*, 1948-49, p. 175; *ibid.*, 1949, pp. 130-134. A comprehensive discussion of integration in various aspects is The Brookings Institution, *Major Problems of United States Foreign Policy, 1949-1950* (Brookings Institution, 1949), pp. 402-471. See also Vincent Checchi, "Integration—No Cure-All," *The Reporter*, May 9, 1950, pp. 15-17.

⁴⁸ For a point of view quite skeptical of European union, see Halvard M. Lange, "European Union: False Hopes and Realities," *Foreign Affairs*, Apr. 1950, pp. 441-450. Less skeptical is Paul-Henri Spaak, "The Integration of Europe: Dreams and Realities," *Foreign Affairs*, Oct. 1950, pp. 94-100. The previously discussed Council of Europe project should be kept in mind in connection with this matter.

the other countries some manner of earning the dollars in which we insist on being paid. One such manner is for the United States to increase drastically its private investments abroad; but in the long run the economically most feasible means is for the United States to accept larger quantities of foreign goods, pay for them in dollars, and thus allow the foreign merchant to earn the dollars with which to settle other balances due us.⁵⁴ This is a lesson that the United States has not yet mastered. Our tariff is still highly protective on numerous items, and the apparent balancing of European international payments late in 1950 was due more to a decline in our exports than to an increase in our imports. In point of fact, the quantity of our imports increased only 4 percent from 1929 to 1949; the figures on import values are misleading, since they reflect greatly inflated price levels in recent years; in terms of quantities, we imported very little more in 1950 than in 1945.⁵⁵

An alternative to our importing more from other countries is for us to redistribute the gold supply by granting money by the billions to other nations, or by loaning it without real expectation of repayment. As a matter of fact, this is precisely what we have been doing in the years since we became a creditor nation. From 1914 through 1948, the United States government granted outright some 49 billion dollars to other nations, including such major sums as those for war and famine relief and for lend-lease. In addition our government loaned some 19 billion dollars, most of which represented the World War I loans and subsequently the reconstruction loans which have been defaulted and will never be paid; most must be classified, therefore, as a gift. Thus almost 68 billion dollars was granted by the United States over this period. Over the same period the excess of our exports over imports, or our "favorable balance of trade," was about 101 billion dollars. That the balance was not actually so favorable becomes clear when one realizes that approximately two thirds of our export balance was financed by our own government—and that means by our own taxpayers—through gifts and unrepaid loans. In other words, we gave our creditors two thirds of the money necessary to pay their debts to us; the interest of the American taxpayer in closing the dollar gap by more economic means than such gifts should be apparent.⁵⁶

➤ *The European Payments Union.* The problem of the intra-European

⁵⁴ A succinct statement of the alternatives open to the United States in this respect is found in *ECA, Report of the ECA-Commerce Mission* (GPO, 1949), pp. 6-8. (This document will henceforth be referred to as *ECA-Commerce Mission Report*.) Not only must an immense amount of red tape in our practices need to be made, such as cutting out justified foreign complaints in this matter, see *ECA-Commerce Mission Report*, pp. 69-74, 143-144, 167-174, 209-220. See also *Report to the President on Foreign Economic Policies* (GPO, 1950), pp. 78-91. This is the report made to President Truman by former Secretary of the Army Gordon Gray as to preferred courses of foreign economic action by the United States. (It will be referred to hereinafter as the *Gray Report*.)

⁵⁵ See the *Gray Report*, pp. 76-77.

⁵⁶ See *ECA-Commerce Mission Report*, pp. 2-5, 42.

balance of payments was far older than the Marshall Plan, and nearly everyone expected that it would outlive ECA. In 1950, in an attempt to alleviate the currency and exchange difficulties that perennially plagued Europe, a European Payments Union (EPU) was launched, with the hope and prayer that it would facilitate settlement of intra-European balances.⁵⁷

➤ *Countries and Commodities.* In any aid program such as ERP, competition is natural between the relief and the reconstruction aspects. For relief, one needs quantities of food and fuel for immediate use, whereas for rehabilitation the stress will be on fertilizers, machinery, raw materials, and other commodities of long-range usefulness. That both aspects were appreciated is evident from the following totals of commodity authorizations from the start of ERP, in April 1948, to its close, on December 31, 1951; figures are in millions of dollars:

Raw materials and semi-finished products	\$ 3,462.5
Food, feed, and fertilizer	3,265.1
Machinery and vehicles	1,857.7
Fuel (coal and petroleum)	1,618.9
Miscellaneous and unclassified	577.7
	<hr/>
	\$10,782.0
Services	1,499.1
	<hr/>
Total	\$12,281.0 ⁵⁸

The following list indicates the amounts of ECA grants made to the ERP countries; the grants under the Mutual Defense Assistance Program to the NATO allies, which were administered by ECA after July 1, 1950; and, finally, the amounts of loans made to the specified countries. Figures are in millions of dollars.

COUNTRY	ECA GRANTS (to 12/31/51)	MDAP GRANTS (to 12/31/51)	LOANS (to 6/30/51)
United Kingdom	\$ 2,753.5	\$112.3	\$ 336.9
France	2,522.0	54.8	182.4
Germany (Federal Republic)	1,317.3	. . .	. . .
Italy	1,297.5	17.9	73.0

⁵⁷ On the functioning of EPU, see the *New York Times*, June 25, 1950, p. E4; *Second Report of the OEEC*, pp. 231-236; *Int. Org.*, Aug. 1950, pp. 522-524; *ibid.*, Nov. 1950, pp. 698-699; *ibid.*, Feb. 1951, p. 223; *Thirteenth Report of ECA*, pp. 33-35; *European Payments Union: First Annual Report of the Managing Board* (OEEC, Paris, 1951), especially pp. 9-20; *Docs. Am. For. Rels.*, 1950, pp. 88-108. For accounts of earlier attempts to solve the intra-European payments problem, see *United States in World Affairs, 1948-49*, pp. 171-176; *Int. Concil.*, No. 447, Jan. 1949, pp. 49-56.

⁵⁸ Figures are rounded and therefore do not check exactly with totals. The "services" include ocean freight, technical services, and assistance rendered via the European Payments Union. Seventy percent of the commodities were purchased in the United States. See the President's *First Report to Congress on the Mutual Security Program* (GPO, 1952), p. 57.

COUNTRY	ECA GRANTS (to 12/31/51)	MDAP GRANTS (to 12/31/51)	LOANS (to 6/30/51)
Netherlands	999.7	1.0	150.7
Austria	634.8	. . .	. . .
Greece	614.1	. . .	. . .
Belgium-Luxembourg	546.6	. . .	68.1
Denmark	265.9	.5	31.0
Norway	231.7	10.2	35.0
Turkey	168.7	7.8	74.0
Ireland	146.2	. . .	128.2
Sweden	118.5	. . .	20.4
Portugal	50.5	. . .	28.2
Trieste	33.0	. . .	. . .
Iceland	26.8	. . .	4.3
Yugoslavia	2.5	59.0	. . .
Prepaid freight	42.5	. . .	. . .
EPU capital fund	350.0	. . .	. . .
Totals	<u>\$12,121.7</u>	<u>\$263.5</u>	<u>\$1,132.2⁵⁹</u>

➤ *Problems.* One of the vexing problems arising in connection with the recovery program concerned the relative weights to be assigned to economic and to military activities. The Marshall Plan in origin was strictly economic; but by 1950 Soviet intransigence in Europe and the UN, aggravated by the Korean war after June 1950, caused the United States government, like others, to undertake a large-scale rearmament program, and this in turn occasioned the grafting of military programs onto the original economic stock. This state of affairs was reflected, for example, in the budgetary figures for fiscal 1950-1951: Marshall Plan economic aid had declined to 2.2 billion dollars, whereas military assistance to the NATO nations had mounted to 4.96 billion dollars, which was nearly as much as the cost of the first and most expensive year of the Marshall Plan. Furthermore, another three quarters of a billion dollars was going in military aid to countries outside NATO. Clearly butter was yielding precedence to guns. This trend was accentuated in the Mutual Security Program, which followed ERP in 1952.

Americans often inquired whether Europe was bearing its fair share of the load of recovery, or whether the United States was being unduly imposed upon. Although there could, by the nature of the case, be no conclusive answer to such a question, the following facts may be adduced: the European totals were on the average at least as high as those of the United States in terms of taxes collected, government expenditures per capita for defense and recovery, and

⁵⁹ Figures are rounded and therefore do not always check exactly with totals. See: ECA, *Fortieth Report to the Public Advisory Board*, pp. 28, 42; *Thirteenth Report of ECA*, p. 40; *First Report to Congress on the Mutual Security Program*, p. 56.

Under the terms of the 1951 act, the MSA would supersede ECA and take over its functions, personnel, and unexpended appropriations; henceforth ECA would disappear and MSA would directly administer the economic grants and would carefully coordinate the Departments of Defense and State in the other two activities named.

➤ *Functions.* The prime function of the Director for Mutual Security was superintending the expenditure of the funds appropriated. Congress carefully provided, however, that no military, technical, or economic assistance provided under the 1951 act should be supplied unless the President found that it would "strengthen the security of the United States," and unless the recipient agreed to promote international understanding and world peace, help eliminate the causes of international tension, fulfill its treaty obligations to the United States, use the American assistance wisely in building up its own defense forces, and in general make as great a contribution as its strength permitted to the defense of the free world.

The receiving country must agree to the foregoing conditions, several of which, at least on paper, were obviously so vague as to be almost meaningless. Their meaning in fact, however, was clear enough: MSA was a means of defending the United States by gaining and strengthening actual or potential allies. This significance was not lost on the Soviet Union, which in 1952 protested bitterly to the Iranian government against the latter's acceptance of American aid, on the grounds that this aid demonstrated the aggressively anti-Russian intentions of the capitalist colossus of the West. Some other recipient countries balked at signing the agreements involved, because the smaller countries were thereby tied rather closely to the apron strings of the United States, and some were apprehensive lest they relinquish too much sovereign freedom of action.

➤ *Appropriations.* The functions of MSA, in addition to that of coordination, are essentially similar to those of ECA as far as grants, purchases, and use of counterpart funds are concerned. However, there is a decided shift of emphasis from economic to military aid, as is indicated by the following tabulation of appropriations authorized by the act of 1951. Figures are in millions of dollars.

AREA	MILITARY AID	ECONOMIC AID
Europe	\$5,028.00 ⁶⁴	\$1,022.00
"General area of China"	535.25	237.50
Near East and Africa	396.25	160.00
Latin America	38.15	21.25
Totals	<u>\$5,997.65</u>	<u>\$1,440.75</u>

⁶⁴ The figure authorized for Europe included 100 million dollars to be used for training and equipping escapees from behind the Iron Curtain for duty with NATO forces, or for

of interest underlies our efforts both to achieve long-term progress and also to meet the immediate necessities presented by Soviet aggressive designs.⁶⁵

The wisdom of such a long-term view is not to be ignored.

Up to this point our attentions have been focused on American relations with Europe. Now we shall turn them to another region of prime importance to us: the Western Hemisphere.

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⁶⁵ The Gray Report, p. 19.



THE UNITED STATES AND THE WESTERN HEMISPHERE

9. THE MONROE DOCTRINE

10. CARIBBEAN POLICIES

11. INTER-AMERICAN ORGANIZATION

12. THE UNITED STATES AND CANADA

THE MONROE DOCTRINE

TO A STUDENT of the history of ideas, there is a strong connection between the American approbation of isolationism and of noninvolvement in European affairs and some of the principles that we have come to call the Monroe Doctrine. President Monroe had ample historical justification for stating that

In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy to do so. . . . With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America.

Mention has already been made of the sentiments of Washington, expressed in his Farewell Address, about avoiding unnecessary European involvements, and of those of Thomas Jefferson, who in his first inaugural address warned that we should tolerate "no entangling alliances."¹ Even prior to the Declaration of Independence, Tom Paine had written a sentence in his "Common Sense" which evokes the memory of a similar one of Washington's: "It is the true interest of America to steer clear of European contentions, which she never can do while, by her dependence on Britain, she is made the make-weight in the scale of British politics"; and years later John Adams had said: ". . . we should make no treaties of alliance with any European power; . . . we should consent to none but treaties of commerce; . . . we should separate ourselves, as far as possible and as long as possible, from all European politics and wars."²

As noted earlier, it was no more than good sense for a weak young nation with an empire yet to carve out of virgin territory to concentrate on the solution of its pressing immediate problems, to the exclusion of dabbling in foreign adventures, which could in all probability only contribute to its own enfeeblement. Remaining uninvolved in foreign quarrels under eighteenth-century conditions was nothing more nor less than following the precepts of the first law of nature: self-preservation. And self-preservation or self-defense was the keynote of the Monroe Doctrine.

It was against the background of these ideas that Monroe cautioned against involvement in European matters; his message was clearly in the general stream of thought. What is so often overlooked by those to whom Washington, Jefferson and Monroe appear to be prophets of unmitigated isolationism is that their anti-involvement sermons were preached not against alliances in general, and certainly not against commercial treaties, but against military alliances of the sort typified by the reactionary Holy Alliance. For all these men, the cornerstone of policy was the interests and security of the United States, and in one way or another all believed that, although we should remain aloof from the military alliances and intrigues of the Old World, we should hold ourselves free to make other kinds of treaty arrangements, and possibly in given cases even military alliances, when the interests and security of the United States would thereby be served.²

PRONOUNCEMENT OF THE DOCTRINE

The immediate grounds for the announcement of the Monroe Doctrine were two: the American reactions against the threatened reassertion by Spain of dominion over its erstwhile colonies in the Western Hemisphere and against the pretensions of Russian imperialism on the west coast of North America.⁴

➤ *The Holy Alliance.* The so-called Holy Alliance had been formed in 1815, just after the Napoleonic Wars. An alliance it definitely was; its holiness was suspect, but derived at least in name from its avowed determination to extirpate, by force of arms if necessary, any opposition to the divine right of kings to rule their countries. The Alliance attempted to preserve the principles of "legitimacy" against republican uprisings or other dangers to the conserva-

² For an excellent statement of the case that Monroe was not an isolationist in the sense in which that term is currently understood, and that his principles properly construed would lead to a modern position of international collaboration, see John B. Whitten, "Isolation: An Obsolete Principle of the Monroe Doctrine," *Int. Concl.*, No. 290, May 1933, pp. 211-225.

⁴ On the background of the Doctrine, see Perkins, *Hands Off*, Chapter 2; S. F. Bemis, *A Diplomatic History of the United States* (Holt, 3rd ed., 1950), Chapter 12; J. H. Latané, *A History of American Foreign Policy* (Doubleday, Page, 1927), Chapter 8; and J. Reuben Clark, *Memorandum on the Monroe Doctrine*, Dept. St. Publ. No. 37 (GPO, 1930), pp. xiv, 7-101. The last-named source is the famous "Clark Memorandum," to which considerable reference will be made later; it is very useful for its official collection of documentary material on the background of the Doctrine and its assembly of data on the instances in which the Doctrine has been invoked.

tive established order of society. Most sanctimoniously, Austria, Russia, and Prussia bound themselves by the 1815 treaty to observe in their domestic and foreign policies "the duties which the Divine Saviour has taught to mankind."⁵ Reactionary anti-republican principles were ill-concealed behind this smoke screen, and liberal forces everywhere appreciated the Alliance for what it was. Its boundless conceit may be measured by the fact that in 1819 the Russian minister in Washington went so far as to sound the Secretary of State, John Quincy Adams, on the possibility of our adherence to the principles of the Alliance. Adams replied evenly that "for the repose of Europe as well as of America, the European and American systems should be kept as separate and distinct from each other as possible."⁶

➤ *The Spanish-American Colonies.* But relations between the United States and the Alliance could not always be kept on the gentlemanly plane of interchange of diplomatic notes. During the second decade of the nineteenth century one after another of the Spanish colonies in the Americas had revolted against the predatory imperialist policies of the mother country; although some revolutions were temporarily suppressed, the trend of the times was clear, and it became apparent to Washington that the colonies should now be recognized as independent states. In America there was a feeling not only that the colonies had established their independence and that recognition would follow in the normal course of international events but also that there was a bond of kinship between a country that had thrown off imperialist ties only forty years earlier and those which had just succeeded in a similar effort.

Had it been our policy to accord immediate recognition to countries that had demonstrated their independence, it would doubtless have been granted to most of the Latin American states by 1820; but we had other irons in the fire which were of greater importance to our national interest. In 1819 we had concluded the treaty with Spain by which Florida was to be ceded to the United States, and we delayed recognition of Latin American independence rather than risk Spain's refusal to ratify the Florida treaty. But when in 1821 the ratifications were exchanged, there was no longer this obstacle to recognition, and by the end of the following year we had taken that step with relation to most of Latin America. Thus, as far as we were concerned, we had a number of new *de jure* neighbors to the south, and we considered it a matter of enlightened self-interest that they be allowed to retain their independence in spite of Spain's pretensions of reconquest, possibly backed by the Holy Alliance and France.

➤ *Russian Pretensions.* On the western side of the continent another situation was developing. As of 1823 Russia was an American as well as a European power. Not only did it still hold Alaska (until our purchase in 1867)

⁵ The text of the treaty is in Clark, *op. cit.*, pp. 63-64.

⁶ Quoted in Perkins, *Hands Off*, p. 24.

but it had, for more than a decade, maintained Fort Ross at Bodega Bay on the coast of California. This fact by itself might have caused no public outcry. But in September 1821 the Tsar issued a decree in which he not only gave a trading company exclusive rights along what is now the Canadian coast to the latitude of 51° north but also forbade all vessels to come within 100 miles of that shore, under penalty of confiscation.⁷ In the face of such exaggerated claims John Quincy Adams laid the basis for the noncolonization aspect of the Monroe Doctrine when on July 17, 1823, he told the Russian minister in Washington that "we should contest the right of Russia to any territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments."⁸ It is to be observed that this gesture by Adams denied Russian rights to some territory that we had never even claimed and to some that we did not then own and did not acquire until years later.

➤ *The English Position.* The British government at this time was not materially concerned with Russian territorial claims, except insofar as they might contribute to Russia's disturbance of the balance of power. However, England did have concrete interests in the future independence of the new Latin American countries. In the interval since the slackening or end of Spanish control, England had built up a profitable trade with these countries; as a power that had enacted navigation and manufacturing acts for its own American colonies within fairly recent years, England did not need to be formally notified that reimposition of Spanish sovereignty would effectively put an end to non-Spanish trade with Latin America. England's trade and Latin American independence from Spain were indivisible. The British Foreign Minister at this important juncture was George Canning, who had represented the Liverpool district and its trading interests in Commons, and who therefore was alert to such incipient dangers to British commerce. Because of common Anglo-American interests in the independence of these colonies, he therefore proposed to Richard Rush, the American minister to London in mid-1823, that a joint declaration be issued that would at once disclaim territorial ambitions of either state and place on record their mutual dislike of any interference with the newly won independence. Rush hedged and requested instructions from Washington.

Had Britain at that point been willing to recognize the independence of the Latin American states, as the United States had already done, it is likely that such a joint declaration would have been issued. As it was, Britain's refusal to recognize immediately, and America's reluctance to join Britain in the absence of such action, for fear of last-minute change of British policy to

⁷ The latitude 51° north is about 125 miles north of the present boundary between the United States and Canada at the Pacific.

⁸ Quoted in Perkins, *Hands Off*, pp. 31-32.

the embarrassment of the United States, worked out in favor of unilateral action on our part. Furthermore, since Anglo-American relations in the past half century had not been of the most cordial variety (among other things, the British had burned Washington only nine years before this), sudden protestations of comradeship were received on this side of the Atlantic with something of the reserve that a mouse might feel when befriended by a cat.

➤ *United States Cabinet Consultations.* Upon receiving the news of the British proposal from Rush, President Monroe initiated a series of consultations with his cabinet and with former Presidents Jefferson and Madison. In late 1823, he was greatly agitated over the possibility that the Holy Alliance would intervene to restore Spanish domination, and he was inclined toward taking some form of definite action to forestall such an event. Consequently there was lengthy debate among the President and his advisers. Secretary of State John Quincy Adams was not greatly alarmed over the threatened intervention. He argued that, since the Holy Alliance was motivated solely by considerations of narrow self-interest, and since that interest would scarcely be materially advanced by assistance to Spain's intervention, the aid was not likely to be granted. As it developed, and as can be seen from documents now available, Adams' estimate of the situation was correct; but evidence obtainable in the United States in 1823 indicated to Monroe that danger was imminent, and to him must go credit for the courageous decision to face it. Adams further argued for a unilateral declaration of American policy, and in this he was successful, although he was thinking in terms of diplomatic notes rather than presidential messages; the latter means of conveying the policy was Monroe's idea. To Adams it seemed more dignified and candid to make a straightforward declaration of our own policy than, as he said, "to come in as a cock-boat in the wake of the British man-of-war."

➤ *Announcement of the Doctrine.* At all events, Monroe ultimately decided to use his annual message to Congress on the state of the union, on December 2, 1823, as the vehicle for his anti-imperialist sentiments and thus to state unilaterally what was destined to become one of his country's most famous foreign policies. It is not surprising that his message was hailed by liberals in this country and abroad, or that it was received by Canning with chagrin at his being forestalled in the declaration and by such men as Metternich with scorn and bitter vituperation; Bismarck later called it a piece of "international impertinence." What we now call the Monroe Doctrine was simply a part of the President's annual message to Congress. The relevant sections of the message follow:

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg, to arrange, by amicable negotiation, the respective rights and interests of the

two nations on the northwest coast of this continent. . . . In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. . . .

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are, of necessity, more immediately connected. . . . The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between these new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

. . . Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances,

the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. . . .

➤ *Motivation of the Doctrine.* Several important points are brought out in the foregoing extracts. In the first place, Monroe emphasized the wisdom of divorcing ourselves insofar as was practical from European politics, although, as mentioned previously, he did not advocate a policy of absolute isolation and was simply laying down a course of action which at that time was eminently wise. Secondly, he warned Russia that this hemisphere was no longer open to its territorial claims, present or future. Thirdly, he indicated unmistakably to Spain and its possible backers that we considered it essential that they refrain from attempts to re-establish control of the former colonies.

For a struggling young nation with a minuscule military establishment⁹ thus to reprimand a coalition of some of the world's most powerful states was pretentious and impertinent on the face of it; but Spain knew as well as did Monroe that, although Britain had not formally joined in the declaration, its political and military power could be counted upon, on the grounds of Britain's self-interest. Sometimes the Monroe Doctrine is regarded as a policy of sheer altruism akin to the assumption of the white man's burden. It decidedly was not, as a careful reading of Monroe's message will show. He stated unequivocally that his motives were to advance our own "rights and interests" and to ward off danger to our own "peace and safety," in order to execute a policy "indispensable to [our] security." The policy was just what Monroe said it was: one of self-protection. If Latin America has incidentally derived benefit from that policy, so much the better; but it was not primarily designed to serve this purpose.

➤ *Unilateral Policy.* It is furthermore to be observed that the message was a strictly unilateral declaration of policy, and that the United States government has sturdily so maintained it until very recent years, as will be explained later.

The United States determines when and if the principles of the Doctrine are violated, and when and if violation is threatened. . . . No other power of the world has any relationship to, or voice in, the implementing of the principles which the Doctrine contains. It is our doctrine, to be by us invoked and sustained, held in abeyance, or abandoned as our high inter-

⁹ Our navy at this point was about one fourth as large as that of France and less than one eighth as large as that of Russia. *Ibid.*, p. 59.

national policy or vital national interests shall seem to us, and to us alone, to demand.¹⁰

From this it follows that the Doctrine was not a part of international law. As a matter of fact, in considerable measure it contravened international law, for the latter has long recognized the right of one nation to seize and occupy uninhabited or sparsely populated territory; discovery and prescription are recognized as valid grounds for ownership. We did not claim for ourselves the land which we defied Spain and Russia to take, and, having no legal claim to it ourselves, we were on extremely shaky legal grounds in denying it to others.

► *The Message Becomes "Doctrine."* Finally, we must realize that no one in 1823, or even in 1830 or 1840, talked about the Monroe "Doctrine"; there were numerous references in Congress and press to "Mr. Monroe's principles," to the "message of 1823," and so on, but there was no mention of "doctrine." The first recorded use of the term "Monroe Doctrine" occurred in 1853. Prior to that time the 1823 message was accepted for what it really was, namely, a statement by the authoritative voice of our foreign policy as to what we intended to do under a particular set of contemporaneous circumstances. Monroe's speech applied to 1823 and the immediately ensuing years, and there is no indication that he thought of himself as speaking to the ages, as laying down a "doctrine," or fundamental policy with continuity and a considerable measure of permanence.

Perhaps it is just because Monroe did not attempt to lay down precepts for the long-run future that subsequent Presidents have found the Doctrine easily interpretable to mean a variety of things under newly arisen circumstances. Certain it is, at any rate, that many American statesmen have since found it politic to appeal to the sacrosanct Doctrine as justification for all manner of actions, some of which could not conceivably have been in the mind of Monroe in 1823. Certain it is also that the Doctrine has become one of the most sacred cows in our political lore and that we who as a nation live by symbols and slogans will almost to a man vow undying allegiance to it, even though most of us know so little about it that we would have difficulty in delivering a five-minute speech on the subject. Without doubt a widespread attitude was well expressed by Mary Baker Eddy on the one hundredth anniversary of the delivery of Monroe's celebrated address, when she stated: "I believe strictly in the Monroe Doctrine, in our Constitution, and in the laws of God." One wonders how much significance should be attached to the order of precedence therein embodied.

¹⁰ Clark, *op. cit.*, p. xxiv. It is to be noted that this statement was written in 1923 and that in the 1930's the United States government did undertake the major policy change of "continentalizing" the Doctrine. More attention will be paid later to this innovation.

DEVELOPMENT OF THE DOCTRINE AFTER 1823

➤ *Nonapplication of the Doctrine.* The statement that Monroe's "principles" did not harden into "doctrine" for thirty years after their announcement is documented by several occurrences of that period. In 1824 Colombia and in 1825 Brazil, impressed by the protection from foreign invasion which the 1823 message might offer them, asked the United States for alliances, but we avoided the first request and denied the second. In 1838 the French blockaded Mexican ports and even temporarily occupied some Mexican territory as a means of obtaining redress for commercial grievances; in 1833 Britain occupied the Falkland Islands and later extended her territorial claims in and around Honduras and Nicaragua—all without protest from the United States.¹¹ In the debate over the possible acquisition of Yucatan in 1848, Senator John C. Calhoun maintained that the principles of Monroe had no application, as they had been enunciated in connection with the events and dangers of 1823 and no others. Obviously there was as yet no Monroe "Doctrine" which we were prepared to defend diplomatically.

➤ *"Corollaries" to the Doctrine.* In the years 1845-1848, however, the trend was demonstrated that was to be followed for nearly a century: that of extending the Doctrine by presidential interpretation to new situations as they arose. In original conception and statement it allowed sufficient leeway for varied application in later years; and when it came to be popularly regarded as the keystone of our inter-American policy and to be enshrined in the popular mind, Presidents were nothing loath to make appeal to its gospel. Since numerous Presidents have enunciated their own variations on the original theme, the Doctrine has grown with the years in significance and in public veneration. These glosses on the original text are now referred to as the "doctrines" or "corollaries" of the Presidents with whose names they are associated.

➤ *The Polk Corollary, 1845-1848.* Thus came about the so-called "Polk Corollary," which was contained in President Polk's message to Congress on the twenty-second anniversary of Monroe's speech. Speaking of the European jealousies and contests for balance of power as applied to the possible annexation of Texas, he said that the balance of power

... cannot be permitted to have any application on the North American continent, and especially to the United States. We must ever maintain that the people of this continent alone have a right to decide their own destiny. Should any portion of them, constituting an independent state, propose to unite themselves with our Confederacy, this will be a question for them and us to determine without any foreign interposition. . . .

Existing rights of every European nation should be respected, but it is due alike to our safety and our interests that the efficient protection of our laws should be extended over our whole territorial limits, and that it should

¹¹ Perkins, *Hands Off*, pp. 68-75; see also pp. 87-88. Clark, *op. cit.*, pp. 113-117.

be distinctly announced to the world as our settled policy that no European colony or dominion shall with our consent be planted or established on any part of the North American continent.¹²

This thought was followed up by the same President three years later, when the province of Yucatan revolted from Mexico and its authorities offered "dominion and sovereignty" over it to the United States, Great Britain, or Spain. Polk conveyed this information to Congress by message in April 1846 and indicated that unless we accepted this offer a European power would, furthermore, he added that "according to our established policy, we could not consent to a transfer of this 'dominion and sovereignty' to Spain, Great Britain, or any other European power."¹³ As it turned out, fortunately for our long-range interests, the rebellion in Yucatan collapsed, the offer was withdrawn, and no positive action on our part was necessary. The episode was nevertheless significant, as it gave rise to this first of the great corollaries, that we would not tolerate even a voluntary cession of American territory to a European power. Highhandedly dictatorial as this principle might appear to be, it was a realistic appreciation that what purport to be "voluntary" cessions of territory may actually be made under duress. Hitler's absorption of Austria and other states in the 1930's and Stalin's similar actions in the 1940's well indicated the sham nature of the "voluntary" camouflage.

➤ *The Clayton-Bulwer Treaty, 1850.* Shortly after the Yucatan rebellion there arose another, which was not a dramatic application of the Doctrine but which should be mentioned. As will be shown in the following chapter, the United States as early as 1826 had interested itself in the possibility of an inter-oceanic canal across Central America. At that point our policy called for action under joint international auspices, as we had not yet come to the conclusion that our interests required one under our exclusive control. In the mid-century mark approached, we were becoming increasingly apprehensive about numerous British actions in the Caribbean and Central America, which indicated that Britain might continue and expand its movements, possibly in violation of Monroe's principles.

Out of these and other circumstances, we concluded the *Clayton-Bulwer Treaty* of 1850, under the terms of which neither the United States nor Great Britain would build or maintain exclusive control of a canal, or any aragua or any other route. Although the treaty won no popularity at the time and later proved a most vexing obstacle in our path toward Central

¹² Quoted in Clark, *op. cit.*, pp. 120-121.

¹³ Quoted in *ibid.*, pp. 123-127. Polk's idea of nontransfer was not new. In 1811 Congress, agitated over the future of East Florida, resolved that it could not "without serious inquietude see any part of the said territory pass into the hands of any foreign power." Perkins, *Hands Off*, p. 156. Note also Jefferson's warning in 1802 about the possible transfer of Louisiana from Spain to France, where it occurred an alliance with England must be our next move.

control of the Panama or Nicaraguan canal, it did have the important result of restraining British action that might otherwise have been taken in contravention of the noncolonization principles of President Monroe. Britain could not legally acquire sole ownership of canal property while this treaty was in force. Herein lay its importance. At no other time has a European nation agreed by treaty not to do those things which the Doctrine attempted to outlaw.¹⁴ Although the principles of 1823 were not specifically invoked in this treaty (as we have seen, there were no recorded references to the Monroe "Doctrine" until 1853), it is evident that the British disclaimer of a right to unilateral action in the matter of an interoceanic canal was actually in accord with Monroe's precepts.

➤ *Maximilian in Mexico.* Interestingly enough, the next major incident in which appeal to the Monroe Doctrine might have been made was the French installation of Maximilian upon the Mexican throne; yet, throughout the lengthy diplomatic correspondence originated by Secretary of State William Seward in this connection, he made no specific reference whatsoever to the Doctrine, although its principles pervaded his actions. That the Mexican activities of Napoleon III violated the Doctrine is evident; but we were preoccupied with the Civil War and did not wish to scatter our fire by attempting to dislodge Maximilian. As in the Yucatan incident two decades earlier, the march of events rendered positive action by the United States unnecessary: by the end of the Civil War, which was the earliest moment at which we could conceivably have devoted major attention to this threat on our southern border, the Emperor Napoleon had decided to write off the whole Mexican adventure as a poor risk; his troops began their withdrawal in 1866, and in 1867 the hapless Maximilian was shot. Thus ended the latter's daydreams of marrying his brother to a daughter of the emperor of Brazil and thereupon proceeding to establish by marriage and gradual absorption a domain encompassing all Central America. Had his dream come true, the United States would manifestly have been confronted with a major challenge to its hegemony in this hemisphere.¹⁵

➤ *The "No Transfer" Principle, 1869-1870.* The "no transfer" doctrine of Polk was further applied by Secretary of State Hamilton Fish, in the administration of President Grant; but still there was no specific appeal to the Monroe Doctrine as such. At this time Cuba was engaged in the "Ten Years War" of 1868-1878, a particularly violent installment in its long series of revolts against Spanish misrule. Grant, in a message to Congress in 1869, denied that we wished to interfere in this matter and opined that in due course Spain would find it in its own interest to permit Cuban independence. He went on:

¹⁴ See Perkins, *The Monroe Doctrine, 1820-1867*, p. 211.

¹⁵ On the Maximilian episode, see Perkins, *Hands Off*, Chapter 4, pp. 107-146; also Clark, *op. cit.*, pp. 134-135. John Bassett Moore, after referring to the noninvocation of the Doctrine in this connection, goes on: "Our position rested upon the principle of opposition to manifest and dangerous aggression, and doubtless would have been the same if President Monroe's message had never been written." Quoted in Clark, *op. cit.*, p. 145.

These dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising their right of choice and self-control in the determination of their future conditions and relations with other powers.¹⁶

However, like Polk in the earlier case of Yucatan, Grant, with what was to Europeans a marvel of inconsistency, refused to apply to the United States the principles it invoked against others: in 1869 he asserted that one territory (Cuba) should not be transferred from one European power to another, and in 1870 he insisted that the American annexation of another territory (Santo Domingo) would be both desirable and an "adherence to the Monroe Doctrine." He continued: "... I now deem it proper to assert the . . . important principle that hereafter no territory on this continent shall be regarded as subject to transfer to a European power."¹⁷ Thus did Grant nail down the no-transfer principle as a cardinal feature of our inter-American policy, in spite of the Senate's refusal of consent to the ratification of his treaty for the annexation of Santo Domingo. Although the no-transfer concept was from the standpoint of international law and of European political desires a thoroughly presumptuous assertion of unilateral power, it provided a definite strategic advantage from the point of view of our own self-interest and military defense.

► *Inconsistency of Application.* Although in the aforementioned cases the action of the United States was consistently based on self-defense, it is somewhat startling that on the whole we did not act consistently in such a manner as would promote our defensive position. Ofttimes we have reacted violently against foreign use of force against an American state, because of a fear that it might be the beginning of colonization. On the other hand, between 1869 and 1887 no fewer than five European powers used force or the threat of it against Haiti, between 1874 and 1882 three did the same to Nicaragua, and several scattered episodes of a like nature occurred, yet in none of these instances was a single word of protest uttered by the State Department.¹⁸ Here indeed is grist for the mill of those who assert that the only thing consistent about our foreign policy is its inconsistency.

It is true that such a variable policy may be explained on the ground that the United States was satisfied in individual instances as they arose that the punitive or coercive measures were justifiable and had no ulterior motives of colonization. There is no doubt that European patience was strained past the breaking point by recurrent political eruptions, with their consequent disruption of normal commercial relations and their disregard for the human and

¹⁶ Quoted in Clark, *op. cit.*, p. 148. Perkins, *Hands Off*, p. 153, *Notes the similarity of Grant's terminology to that of the later Wilsonian plea for self-determination of subject peoples.*

¹⁷ Quoted in Perkins, *op. cit.*, p. 159.

¹⁸ See *ibid.*, pp. 170-171.

ties bore fruit early in 1895, in the form of a unanimously adopted congressional joint resolution recommending arbitration of the dispute. President Cleveland agreed, and this resolution became the basis of our policy.

In July of the same year the Secretary of State, Richard Olney, demanded that the dispute be submitted to arbitration, but he couched his demand in terms so blustering as to antagonize the British and to demonstrate "shirt-sleeves diplomacy" at its zenith. He aptly referred to the note, which was delivered to Lord Salisbury, the English Foreign Secretary, through the American ambassador in London, as "firing his twenty-inch gun." This note is still remembered, as a horrible example not only of how not to win friends but of downright historical and geographical inaccuracy. Granted that it was in large measure a political tract drawn to appeal to anti-British public opinion in the United States, it remains a marvel of undiplomatic diplomacy. Following are pertinent extracts from the note:

That America is in no part open to colonization . . . has long been universally conceded. We are now concerned, therefore, only with that other practical application of the Monroe doctrine the disregard of which by an European power is to be deemed an act of unfriendliness towards the United States. . . . It does not establish any general protectorate by the United States over other American states. . . . It does not justify any attempt on our part to change the established form of government of any American state. . . . The rule in question has but a single purpose and object. It is that no European power or combination of European powers shall forcibly deprive an American state of the right and power of self-government and of shaping for itself its own political fortunes and destinies. . . .

[The Monroe Doctrine] rests . . . upon facts and principles that are both intelligible and incontrovertible. That distance and three thousand miles of intervening ocean make any permanent political union between an European and an American state unnatural and inexpedient will hardly be denied. But physical and geographical considerations are the least of the objections to such a union. . . . Each great European power, for instance, today maintains enormous armies and fleets in self-defense and for protection against any other European power or powers. What have the states of America to do with that condition of things, or why should they be impoverished by wars or preparations for wars with whose causes or results they can have no direct concern? . . .

[The moral interests] pertaining to Europe are peculiar to her and are wholly diverse from those pertaining and peculiar to America. Europe as a whole is monarchical, . . . America, on the other hand, is devoted to the exactly opposite principle—to the idea that every people has an inalienable right of self-government—and, in the United States of America, has furnished to the world the most conspicuous and conclusive example and proof of the excellence of free institutions. . . .

The states of America, South as well as North, by geographical proximity, by natural sympathy, by similarity of governmental constitutions, are friends and allies, commercially and politically, of the United States. To

allow the subjugation of any of them by an European power is, of course, to completely reverse that situation and signifies the loss of all the advantages incident to their natural relations to us. But that is not all. The people of the United States have a vital interest in the cause of popular self-government. . . . Imbued with these sentiments, the people of the United States might not impossibly be wrought up to an active propaganda in favor of a cause so highly valued both for themselves and for mankind. But the age of the Crusades has passed, . . .

To-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition. Why? It is not because of the pure friendship or good will felt for it. It is not simply by reason of its high character as a civilized state, nor because wisdom and justice and equity are the invariable characteristics of the dealings of the United States. It is because, in addition to all other grounds, its infinite resources combined with its isolated position render it master of the situation and practically invulnerable as against any or all other powers.

All the advantages of this superiority are at once imperilled if the principle be admitted that European powers may convert American states into colonies . . . of their own. The principle would be eagerly availed of, and every power doing so would immediately acquire a base of military operations against us. . . . The disastrous consequences to the United States of such a condition of things are obvious. . . .

The declaration of the Monroe message—that existing colonies or dependencies of an European power would not be interfered with by the United States—means colonies or dependencies then existing, with their limits as then existing. . . .

It being clear, therefore, that the United States may legitimately insist upon the merits of the boundary question being determined, it is equally clear that there is but one feasible mode of determining them, viz., peaceful arbitration. . . .¹⁹

It was obvious that Olney, like Cleveland, was "mad clean through" and in no mood to dally with diplomatic niceties.

Lord Salisbury waited four months for the air to clear after Olney's midsummer madness; then, in late November, he replied with a note that was as urbane, courteous, and imperturbable as Olney's was not. Calmly and with no show of passion he suggested that the Monroe Doctrine had been conceived in circumstances far different from those of 1895, that there was no danger of [the determination of the frontier of a British possession which belonged to the Throne of England long before the Republic of Venezuela came into existence.] Thus far he had proceeded on the tacit assumption that the Monroe Doctrine had binding force, but this was a point which he had no intention of tolerating; speaking of the Doctrine, he added:

. . . It must always be mentioned with respect, on account of the distinguished statesman to whom it is due, and the great nation who have gen-

¹⁹ Quoted in Clark, *op. cit.*, pp. 156-161.

erally adopted it. But international law is founded on the general consent of nations; and no statesman, however eminent, and no nation, however powerful, are competent to insert into the code of international law a novel principle which was never recognized before, and which has not since been accepted by the Government of any other country. . . .²⁰

Salisbury pointed out tactfully that 3000 miles of ocean did not render political union between Britain and Jamaica or Trinidad either unnatural or inexpedient; he might have gone on to show that many Latin American countries are not only closer in miles to Europe than to the United States, but also, more significantly, far closer in terms of language, culture, religion, and political background. He might also with justification have remarked that the United States had not made notable progress in befriending those countries or in allying itself with them, and that for the United States to claim practical sovereignty over them or to assert that its fiat was law throughout the hemisphere was contrary not only to international law but to plain fact.

Shortly after receipt of the Salisbury note, President Cleveland transmitted a special message to Congress in which he reaffirmed his interpretation of the Monroe Doctrine and stated that since Britain had not consented to arbitration it would be desirable for Congress to appropriate money for a commission that would determine the proper boundary and report to the United States. Thereafter he reached an ominous note:

When such report is made and accepted it will in my opinion be the duty of the United States to resist by every means in its power as a willful aggression upon its rights and interests the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which after investigation we have determined of right belongs to Venezuela.

In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow.²¹

Thus did Cleveland prejudge the findings of the commission yet to be constituted; he assumed that they would be in favor of Venezuela and that it was therefore necessary to threaten war with England. Wars have been fought over claims less blustering than those of Olney, and in defiance of ultimatums more heavily veiled than that of Cleveland; but the kind providence that watches over small boys with firecrackers was caring for the American government and public, who were so avidly following their national sport of twisting the lion's tail that they ignored the fact that the United States at the moment of this threat had three major ships in its navy, as against fifty in Britain's. The mood of Congress and public was evidently exceedingly well illustrated by the prayer offered by the chaplain of the House of Representatives just two weeks before Cleveland's special message: "Heavenly Father, let peace reign throughout our

²⁰ Quoted in *ibid.*, p. 166.

²¹ Quoted in *ibid.*, p. 170.

borders. Yet may we be quick to resent anything like an insult to our nation.²²

Fortunately for all concerned, the British government decided to arbitrate in the manner we had suggested. In part this decision came about because of Britain's desire to recede somewhat for bargaining purposes from the advanced position theretofore assumed; but more to the point was the occurrence, in January 1896, of the famous Jameson Raid, from which ensued the Boer War. This South African war occupied the major share of British energies, for its issue was far more significant from the imperial point of view than the swamp-lands of the Orinoco. Furthermore, at this juncture British interests in the Far East were at a critical turn, and Britain wished to retain a friendly American attitude toward its activities in that sector. The combination of circumstances thus impelled Britain to yield to the American demand for arbitration and in effect to take an important step toward the realization of American dominance in this hemisphere. The arbitration was arranged, with one Russian, two British, and two American arbitrators; in due course they rendered their award, which, ironically enough, substantially upheld the British claim.

In Latin America the memory lingered long of Olney's bombast as to our virtual sovereignty and our fiat's being law on this continent. Many were unconvinced of the consistency of our virtue in opposing apparent aggression of a great state against a small one, in view of our own war with Mexico in 1845. The fact of the matter is that inter-American relations in all probability would have been very little disturbed even if Britain had obtained all the territory in dispute. But it was an all-important point of principle for us to oppose acquisition of territory by unjust means. Since the arbitral tribunal awarded most of the contested land to Great Britain, the presumption was that this was simply a legal recognition of a state of affairs that had long existed, although beclouded by dispute. Britain thus did not acquire or extend territory as a result of the arbitration; rather, its rightful claim was confirmed. The principle is basic to the Monroe Doctrine that we cannot acquiesce in possession or extension of territory by any but accepted legal means.

The Venezuelan boundary dispute cannot be left behind without our calling attention to a connection between it and a point made in the preceding chapter: that several of our diplomatic or military victories have been brought about less by our own astuteness than by preoccupation of our adversaries. Thus, although the valor of Washington at Valley Forge or of Jackson at New Orleans should not for a moment be decried, it is clear that the wars of 1776 and 1812 were relatively minor skirmishes from the contemporary British point of view, and that Britain's involvement in European politics prevented it from bringing its full might to bear against the American enemy.²³

²² Quoted in J. Fred Rippy, *Historical Evolution of Hispanic America* (Crofts, 1933), p. 412.

²³ Alexis de Tocqueville, the famous French observer of American political institutions, phrased this very bluntly: "The efforts made by the Americans to free themselves from the

➤ *European Experiences with American Loans.* A decade after the Venezuelan dispute came one that led to an outstandingly important rephrasing of the Monroe Doctrine; this one had to do with the payment of debts. A fly that has often dropped into the ointment of friendly relations between Latin American and European states has been the perennial habit of many a Latin American president or dictator of borrowing money abroad which he then squandered. In the normal course of events he was replaced by another revolutionary leader, upon whom the foreign creditors made demands for payment of the loan; but, since the new president found little evidence that the proceeds had gone for anything other than the personal enrichment of his predecessor, he found himself possessed of little desire to levy the onerous taxes necessary to discharge the obligation. The foreign creditor, finding no other effective recourse, then appealed to his own government for diplomatic protection, his foreign office demanded repayment of the loan, showed military force, and threatened bombardment of coastal towns and occupation of ports and customshouses as a means of collection of the debt. More than one Latin American state can testify from its own experience to the reality of this sequence of events. If the purpose of the foreign landings was only to obtain part of the customs revenues, to be applied to debt reduction, and if all concerned were assured that the intervention would end with complete payment of the debt, there would be little cause for the United States to worry. But the obvious fact is that a landing of troops to obtain customs revenues may be only a prelude to long-term political control and colonization; because of this potentiality the United States has often, although not consistently, protested against such military intervention as a step toward violation of the noncolonization precepts of 1823. Theodore Roosevelt referred to this problem in his presidential message to Congress in 1901; he asserted that "we do not guarantee any State against punishment if it misconducts itself, provided that punishment does not take the form of the acquisition of territory by any non-American power."²⁴ This principle was destined to be materially expanded in the coming five years.

➤ *Dominican Debts.* The events of the first half decade of the twentieth century brought the question of forcible collection of debts into the spotlight. In one case, claims were made against the Castro government of Venezuela, and in their prosecution threats of force were employed; but ultimately these claims were settled by the highly controverted decision of the Hague Court of Arbitration to the effect that the threatening powers were entitled to preferential treatment in the payment of the debts.²⁵ Another state in chronic financial

English yoke have been greatly exaggerated. Separated from their enemy by 3,000 miles of ocean and aided by a powerful ally, the United States owed victory to their position much more than to the valor of their armies, or the patriotism of their citizens." Quoted in *Freedom and Union*, July 1947, p. 22.

²⁴ See Perkins, *Hands Off*, Chapter 6, for discussion of the application of the Doctrine at about the turn of the century.

²⁵ The preliminary moves against Venezuela had included an attempt to enforce colle-

and therefore international difficulties was Santo Domingo, the leaders of which were greatly alarmed over the implications of the Hague Court's decision in the Castro case. Meanwhile, foreign creditors were pressing for payment, and they took the attitude that if the United States would not permit them to collect then it must assume the responsibility itself; this seemed a reasonable enough position, if the initial debt was a valid one.

Theodore Roosevelt had for some time been moving in the direction of assumption of a considerable measure of American financial control of distressed governments such as that of Santo Domingo. He had written his Secretary of State, Elihu Root, indicating approval of American intervention in such instances, and he elaborated the idea in his annual message to Congress in December 1904:

If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power. . . .

It is a mere truism to say that every nation, whether in America or anywhere else, which desires to maintain its freedom, its independence, must ultimately realize that the right of such independence can not be separated from the responsibility of making good use of it.²⁶

Events in Santo Domingo seemed to move in the direction of requiring "international police power," and in early 1905 a Dominican-American protocol was signed, providing for administration of the Dominican customs revenues by an American, who would divert part of them to debt service and turn over the remainder to the local government for domestic use. This protocol the Senate refused to approve, with the well-known result that the President accomplished the same end by executive agreement; it was not until two years later that the Senate relented and agreed to ratification of the protocol.

It was against this background that Roosevelt wrote his annual message

tion of debts by blockade led by Germany and joined by England and Italy. According to President Roosevelt's version, such warlike action was forestalled by the application of his "speak softly and carry a big stick" formula; he reports that he ordered Admiral Dewey and a goodly portion of the American navy to prevent the blockade, whereupon the Germans backed down and agreed to arbitration. See J. M. Mathews, *American Foreign Relations* (Appleton-Century, rev. ed., 1938), p. 73. But, as Mathews indicates, citing H. C. Hill's *Roosevelt and the Caribbean* (University of Chicago Press, 1927), pp. 111, 123-137, there is grave doubt as to the accuracy of this story. Perkins, *Hands Off*, pp. 215-221, points out that no trace of the alleged Roosevelt ultimatum to Germany is to be found in the Foreign Office archives of Germany, Britain, or the United States.

²⁶ Quoted in Clark, *op. cit.*, pp. 174-175; also pp. 230-235. See also Perkins, *Hands Off*, pp. 238-239.

to Congress for 1905. In it he denied that we would use the Monroe Doctrine for purposes of territorial self-aggrandizement, he observed that the Doctrine must not be allowed to become a shield behind which a defaulting nation could hide from its creditors, and he expressed the wish that other nations would join in our policy of refusing to enforce contractual obligations by appeals to arms. Then followed the famous words that announced the most important change yet made in the meaning of the Monroe Doctrine:

It is much to be wished that all foreign governments would take the same view on forcible collection of debts, but they do not; and in consequence we are liable at any time to be brought face to face with disagreeable alternatives. On the one hand, this country would certainly decline to go to war to prevent a foreign government from collecting a just debt; on the other hand, it is very inadvisable to permit any foreign power to take possession, even temporarily, of the custom houses of an American Republic in order to enforce the payment of its obligations; for such temporary occupation might turn into permanent occupation. The only escape from these alternatives may at any time be that we must ourselves undertake to bring about some arrangement by which so much as possible of a just obligation shall be paid. It is far better that this country should put through such an arrangement, rather than allow any foreign country to undertake it.²⁷

Prior to the Roosevelt administration the whole tenor of the Monroe Doctrine in action had been negative; it prevented acquisition, occupation, and transfer of territory to a European power. With Roosevelt, however, it became a positive doctrine of our assumption of the role of international policeman for this hemisphere. Not only would we keep European nations out of political affairs of the Americas but, if necessary to accomplish this end, we would undertake to intervene ourselves in the governments of the Latin American countries in order to achieve for the European governments what we feared to let them do for themselves. Herein lies the importance of the Roosevelt Corollary. Here is at least a partial justification for the interventionist policy of the United States vis-à-vis Latin America in the first third of the twentieth century. It was a policy that was destined to make us some friends, but also many bitter enemies. While it lasted it was an important policy, but it was officially disavowed exactly twenty-five years after Roosevelt announced it.

➤ *The Monroe Doctrine as a Caribbean Policy.* It will have been noted by the careful reader that the Monroe Doctrine and its corollaries have actually been applied not to all Latin America but only to those countries that lie in or around the Caribbean Sea. Between this fact and the initial motivation of the Doctrine there is a very close connection: the old consideration of military self-defense. At the turn of the century we acquired the rights to build a canal through Panama, which became a prime point in our defense planning. Having

²⁷ Quoted in Perkins, *Hands Off*, pp. 228-229.

since the Spanish-American War arrived at Great Power status, and having filled out the continent and spread to territories in the Pacific 7000 miles west of California, we needed either a two-ocean navy or means of easily transferring a one-ocean navy from one coast to the other, and the Panama Canal was a solution to the problem. Consequently our military planning would have been criminally negligent had it allowed any hostile power to obtain a Caribbean foothold from which it could launch an attack on the Canal.

➤ *Taft, Knox, and "Dollar Diplomacy."* The year 1905 and the ten years following represent the high-water mark of extensions of the Monroe Doctrine, from which the tide has ever since been ebbing. Whatever the achievements that may be credited to President Taft, his choice of a Secretary of State was not among them. Philander C. Knox, despite his acknowledged ability as a lawyer, somehow as Secretary of State managed to do many of the same things his predecessors had done but to do them in such a fashion as to antagonize the maximum number of people. Under him the policy of using the diplomatic power of the United States to protect its citizens and their investments abroad came to acquire the opprobrious label of "dollar diplomacy."²⁸

Two of the episodes that gave rise to the term "dollar diplomacy" may be cited as exemplifying the trend. The first concerned Honduras, which by 1910 had succeeded in amassing the altogether magnificent public debt of 110 million dollars, most of which was held by British creditors, and most of which was badly in arrears. Under the circumstances a refunding operation was in order, and the creditors proceeded to draw up the appropriate contractual agreements. At this point the American minister in Tegucigalpa suddenly intervened and protested, the objection apparently being that the refunding should be handled by New York rather than London bankers. After long negotiations such an arrangement was consummated in the Knox-Paredes loan convention of 1911, along with an agreement that Honduran customs would be administered by a man acceptable to the fiscal agents of the loan and to the President of the United States. This outcome was obviously very similar to that of the Dominican affair of 1905-1907. It was at least in part logical, since financial control exerted from London might easily lead to political control from London. This is not to overlook the fact that, by the same token, such controls might be lodged in Washington, and that the considerable profits of the refunding deal would go to American rather than London bankers; but in this instance there would be no allegation of a violation of the principles which Mr. Monroe laid down in 1823.

Somewhat similar was the contemporaneous episode in Nicaragua, where the corrupt autocrat Zelaya had ruled for years. In 1909 he committed the

²⁸ Such diplomatic protection of investments has an ancient, if not always honorable, history in all large countries. But the title stuck in the United States, probably because "pound diplomacy" and "mark diplomacy"—both of which have been practiced—were not alliterative.

grievous error of refunding the Nicaraguan debt through a London rather than a New York group of bankers, and, since he had on earlier occasions handled American interests roughly, a revolution broke out in October 1909 which without doubt was fomented by Americans. This in itself aroused no great stir of interest north of the Rio Grande, but when in the following month two United States citizens, soldiers of fortune in the revolutionary army, were captured and executed by Zelaya, a furious storm broke. The State Department dispatched one of the most vitriolic notes ever to leave its staid precincts, and proceeded to implement it by severing diplomatic relations; this move had the desired effect of forcing Zelaya's resignation. In this and other ways the government of the United States materially assisted the revolutionists, until in August 1910 their leader, Estrada, was recognized by the United States. Now that we had obtained a pliant government in Nicaragua, the Knox-Castrillo treaty was signed in Washington in 1911, placing the customs administration in the hands of an American. Thus was precedent followed.

Two things are to be noted about the Honduran and Nicaraguan episodes. In the first place, in neither case was the customs-administration treaty ratified by the United States, partly because of some vestigial traces of anti-imperialist sentiment and partly because of Democratic opposition to the acts of a Republican administration. Secondly, even though the treaties never took effect, their influence in a broader sense did. Word was passed by the very negotiation of the treaties that the policy of the Taft-Knox administration was to extend the economic and political sway of the United States over the Caribbean area just as far as possible. This was dollar diplomacy.²⁹ In late 1911 Secretary Knox made a speech to an American society the text of which may be expected to have made its way to Latin American readers; it may further be assumed that they found to be pragmatically accurate the following two sentences: "The [Monroe] doctrine has been respected and is now respected and it will continue to be respected so long as we seem reasonably able to uphold it. It does not depend upon technical legal right, but upon policy and power."³⁰

➤ *The Attitude of Woodrow Wilson.* That a Republican administration might be especially active in advancing business interests may not be surprising; but it is interesting to observe how little difference there was in fundamental thought on this issue between Taft on the one hand and Woodrow Wilson on the other. In view of the latter's much-publicized later concern for the rights of self-determination, his reaction to a memorandum prepared for him in 1915 by his Secretary of State, Robert Lansing, is noteworthy. Lansing suggested

²⁹ The account above is largely summarized from Perkins, *Hands Off*, pp. 248-254. See the succeeding pages of that book for similar "dollar diplomacy" episodes, involving Guatemala in 1912 and Haiti in 1914-1915. It may be added that the circumstance that Knox had been an attorney for mining interests in Nicaragua did not contribute to a firm belief in his impartiality in the affair involving that country.

³⁰ Quoted in Clark, *op. cit.*, p. 176.

that, since so many Caribbean revolutions centered in control of finances, the United States could contribute greatly to Caribbean stability by undertaking supervision of those finances. He went on:

It would seem, therefore, that in the case of the republics about the Caribbean Sea the United States should expand the application of the Monroe Doctrine, and declare as a definite Caribbean policy that, while it does not seek domination over the territory of any of these republics, it is necessary for the national safety of the United States, and particularly in view of its interests on the Isthmus of Panama, that it aid the people of those republics in establishing and maintaining honest and responsible governments to such an extent as may be necessary in each particular case, and that it will not tolerate control over or interference with the political or financial affairs of these republics by any European power or its nationals, or permit the occupation, even temporarily, by a European power, of any territory of such republics.³¹

Theodore Roosevelt or Philander Knox might have approved of these thoughts. Wilson replied to Lansing that, although the logic of the memorandum was "unanswerable," he thought it should not be published.

Thus the Monroe Doctrine, originally designed to forbid European intervention in Latin American affairs, at the zenith of its development came to be a policy that not only permitted but positively required the intervention of the United States in those same affairs. International politics, based on various conceptions of the defense of American interests, made bedfellows of men so diverse as Cleveland, Roosevelt, Taft, and Wilson.

➤ *The Magdalena Bay Corollary.* In its simplest terms, the Magdalena Bay episode of 1912 was nothing more than the reiteration of an old interpretation of the Monroe Doctrine—namely, that no foreign power should be permitted by whatever means to come into control of territory in the Americas. As far back as 1880, when the French company was about to undertake construction of the Panama Canal, President Hayes had reflected the alarm of many Americans at this "foreign intervention" when he had objected, although without specific appeal to the Monroe Doctrine, that

The United States cannot consent to the surrender of this control to any European power or to any combination of European powers. . . . The capital invested by corporations or citizens of other countries in such an enterprise must in a great degree look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible.³²

Another interesting situation arose in 1911, when it was disclosed that a group of Japanese subjects was negotiating for the purchase of some land on

³¹ Quoted in Perkins, *Hands Off*, pp. 268-269.

³² Quoted in *ibid.*, p. 163.

the shores of Magdalena Bay, in Lower California (Mexico), to be used as a base for fishing boats. Although the Department of State was noncommittal, rumors started flying to the effect that the Japanese were acting only as a front for their Foreign Office, and that once the deal had been consummated the Japanese government would come out into the open and construct a naval station on the shores of this bay, only a short distance from American California. There were Japanese denials of any such intentions, but they were not convincing to the redoubtable Henry Cabot Lodge, who in July 1912 proposed a resolution which the Senate passed early the next month by a vote of fifty-one to four:

When any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another government, not American, as to give that government practical power of control for national purposes.³³

Here again it is notable that there was no direct reference to the principles of the Monroe Doctrine, yet obviously the concept of national safety underlay both the Doctrine and this resolution, and they were connected in the minds of many.

Three points about this resolution are worthy of comment. First, this was the first occasion on which the Doctrine was applied against an Asiatic nation, Russia in 1823 having been regarded as solely European. Nowhere can one find better evidence that the Doctrine is sometimes invoked in cases that Monroe could not have foreseen, for surely in 1823 Japan was the least of our worries. Secondly, at least in its terms, this resolution was directed against an association of private individuals rather than a government; this was unusual, although it was not unknown. And in the third place, here one sees for the first time a corollary to the Doctrine which did not originate in the White House or in the State Department, but in the Senate. It is obvious that the Senate has no general constitutional power to give an authoritative declaration of our foreign policy; nevertheless, the lead here assumed was followed by the President. The Doctrine was thus no longer exclusively executive property.

CONTINENTALIZATION OF THE DOCTRINE

➤ *Latin Antipathy to the Doctrine.* For many a year there had been brewing among Latin Americans an antipathy to the Monroe Doctrine and its implied paternalism, and especially to the armed intervention in several Caribbean countries which was on occasion justified by appeal to the principles of 1823. Although in numerous other instances South or Central American states had appealed to the United States for protection under the aegis of the

³³ Clark, *op. cit.*, p. 176.

Doctrine when they were threatened with foreign pressure, as they matured politically they came more and more to express such sentiments as the following: "Since there are no longer rainclouds coming up from the east, why should a friend, however well-intentioned, insist on holding an umbrella over us? We are quite able to do that for ourselves if necessary."³⁴ Of course much of the Latin reaction was in no such temperate terms as these, but was full of allusions to "Yankee imperialism" and domination by the "Colossus of the North." Through the 1920's there were occasional suggestions that we abandon the Doctrine, and in 1920 the president of Uruguay proposed that it be universalized to provide a joint and reciprocal guarantee; but the United States was deaf to all such proposals, holding to the original conception that the Doctrine was a set of principles that only we could assert and interpret. Until the 1930's we maintained this position, but then we did reverse ourselves. Before that time we took the view expressed by former Secretary of State Elihu Root in 1914: "Since the Monroe Doctrine is a declaration based upon this nation's right of self-protection, it cannot be transmuted into a joint or common obligation by American states or any number of them."³⁵

➤ *The Clark Memorandum, 1928-1930.* The first major break with the past came in 1928, when Under Secretary of State J. Reuben Clark prepared and submitted to Secretary Frank Kellogg a historical "Memorandum on the Monroe Doctrine." Although in the main this was a compilation of official documents on the Doctrine, there was also some analysis, and what there was turned out to be of major importance. Clark stated that his study of the Doctrine in operation convinced him that it had been overextended in such matters as the Roosevelt Corollary and that its application should be revised. He said:

It is of first importance to have in mind that Monroe's declaration in its terms, relates solely to the relationships between European states on the one side, and, on the other side, the American continents, the Western Hemisphere, . . .

It is of equal importance to note . . . that the declaration does not apply to purely inter-American relations.

Nor does the declaration purport to lay down any principles that are to govern the interrelationship of the states of this Western Hemisphere among themselves.

The Doctrine states a case of United States vs. Europe, not of United States vs. Latin America.

Such arrangements as the United States has made, for example, with Cuba, Santo Domingo, Haiti, and Nicaragua, are not within the Doctrine as it was announced by Monroe. They may be accounted for as the expression of a national policy which, like the Doctrine itself, originates in the necessities of security or self-preservation . . . and was outlined in what is known as the "Roosevelt Corollary" to the Monroe Doctrine . . . but such arrangements are not covered by the terms of the Doctrine itself. . . .

³⁴ Quoted in *ibid.*, p. 321.

³⁵ Quoted in Clark, *op. cit.*, p. 177.

... it is not believed that this [Roosevelt] corollary is justified by the terms of the Monroe Doctrine, however much it may be justified by the application of the doctrine of self-preservation.³⁶

For a man to state his opinion that the Roosevelt Corollary was wrong was one thing. For this view to become official opinion was another. Yet this did happen. Although the Clark Memorandum had originally been prepared as a confidential intra-departmental paper, in 1930 it was published and circulated as part of the Hoover-Stimson effort to improve the sorry state of our friendship with the Latin American countries. These countries were informed that this memorandum now represented our official position; in other words, we recanted on the Roosevelt Corollary and were going back to first principles as enunciated by Monroe. This did not necessarily mean that there would now be an end to our intervention (our marines remained in Nicaragua until 1933) but rather that intervention, if necessary, would not be based on an appeal to the *Monroe Doctrine*.

➤ *Franklin Roosevelt and the Doctrine.* President Franklin D. Roosevelt, having in his first inaugural address dedicated the United States to the "policy of the good neighbor" and emphasized the interdependence of the Americas, proceeded in an address of December 1933 to do what earlier generations had failed or refused to do—namely to "continentalize" or "internationalize" the Monroe Doctrine:

The definite policy of the United States from now on is one opposed to armed intervention. The maintenance of constitutional government in other nations is not a sacred obligation devolving upon the United States alone. The maintenance of law and the orderly processes of government in this hemisphere is the concern of each individual nation within its own borders first of all. It is only if and when the failure of orderly processes affects the other nations of the continent that it becomes their concern; and the point to stress is that in such an event it becomes the joint concern of a whole continent in which we are all neighbors.³⁷

This statement forecast the demise of the Monroe Doctrine as it had been understood since 1823, for whereas Monroe stressed unilateral action by his own country Roosevelt emphasized the necessity for joint responsibility. As a matter of fact, Roosevelt's speech was not long in being translated into deeds. The story will be told in greater detail in the subsequent chapter on the Organization of American States, but the major points may be made here.

➤ *Intervention.* A feature of our Latin American policy that was in part attributable to our interpretation of the Doctrine had been our practice of intervening, often with force of arms, in the internal affairs of Caribbean countries. This policy was coming to an end with the Hoover administration, and

³⁶ *Ibid.*, pp. xix, xxiii-xxiv.

³⁷ Quoted in J. M. Mathews, *American Foreign Relations*, pp. 142-143.

it was completely terminated by Roosevelt, in that by the end of 1934 there were no more American troops on occupation duty in any Latin American state. The fact that others went there during World War II was a result of American involvement in that war and had no bearing upon the Monroe Doctrine. For years delegates to Conferences of American States had inveighed against United States intervention, but to no avail. However, at the Montevideo Conference, which met late in 1933, a resolution was adopted, later (June 1934) to be approved by the United States Senate, that "no state has a right to intervene in the internal or external affairs of another"; and at the Buenos Aires Conference, in 1936, a similar but even more strongly worded resolution was adopted, also with official United States approval.

➤ *"Continentalization" of the Doctrine.* At the Lima (Peru) Conference of American States, in 1938, the famous "Declaration of Lima" was adopted, by which the American republics formally reaffirmed their "continental solidarity" and their firm intention to consult with one another concerning any threats to the peace or territorial integrity of the nations of the Western Hemisphere. Taken against the background of imminent European war this meant in effect that if any European power attempted conquest in the Americas it would meet with joint opposition. Later decisions of the Foreign Ministers of the American republics provided the machinery, which fortunately it was never necessary to activate, for multipartite inter-American action to forestall conquest of European colonies in this hemisphere. It was obviously a far cry from Monroe to this; whereas the Doctrine had loudly stated that any such European attack would be repelled by the United States, now the latter was taking the lead in declaring that such invasion should be met by the joint force of all the American republics. The new point of view was well expressed in mid-1940 in a resolution adopted by the American Foreign Ministers at their meeting in Havana:

... any transfer, or attempted transfer, of the sovereignty, jurisdiction, possession, or any interest in or control over any such region [i.e., a European colony in the Western Hemisphere] to another non-American State, would be regarded by the American Republics as against American sentiments and principles. . . .³⁸

Thus the Monroe Doctrine had been completely "continentalized." No longer is hemispheric defense the sole task of the "Colossus of the North"; it is a joint responsibility for twenty-one equal American partners. Mr. Monroe's principles had endured for more than a century, but they were not immortal.

➤ *Three "Doctrines."* Years ago an eminent historian suggested that, in view of the numerous corollaries to the Monroe Doctrine, much confusion would have been avoided if Mr. Monroe had had the foresight to copyright his Doctrine; thus might the concept have been stabilized. Yet still more confusion

³⁸ *Int. Concil.* No. 362, Sept. 1940, p. 305.

has arisen because of the changes just mentioned. As a matter of fact, in practical operation there have been three periods of United States policy toward Latin America, especially toward the Caribbean countries: (1) the time of the original Monroe Doctrine, when the negative "hands off" attitude was held that Europe must stay out of American affairs; (2) the quarter century starting with Theodore Roosevelt's presidency, when the Doctrine was positively construed to permit the erection of something approaching a United States protectorate over the Caribbean states; and (3) the succession of events that may be said to have begun with the Clark Memorandum's repudiation of the Roosevelt Corollary, in 1930, and to have been completed by Franklin Roosevelt's actions after 1933. Franklin Roosevelt (and Truman after him) abandoned the concepts that the United States alone should shield the hemisphere from European aggression and that it should use the Doctrine to further its own rather selfish ends.

Thus within little more than a century did a policy rise, flourish, and decline. Its history reflects the differing beliefs of various Presidents and their Secretaries of State as to the most appropriate means of safeguarding the security of the nation. The present conviction with regard to Latin America is essentially similar to that which is embodied in the North Atlantic Treaty: our safest defense is neither geographic remoteness, which we no longer enjoy, nor a policy of political isolation, which has always broken down under strain, but collaboration with other nations whose basic interests overlap our own.

The period 1895-1905 marked the start of the ascension of the United States to a position of world power, and the British leniency in the Venezuelan boundary dispute indicated, among other things, recognition of the emergent status of the United States. Theodore Roosevelt's corollary to the Monroe Doctrine signaled the forceful type of policy that the United States was to pursue in this hemisphere for years to come. Here the United States exercised leadership—not to say domination—long before it did so in Europe.

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CARIBBEAN POLICIES

ANY VOLUME approaching a complete history of American diplomacy and foreign policies would devote many chapters to the actions of the United States with regard to the whole of Hispanic America. Such an account is beyond our present scope, and consequently we have imposed a somewhat arbitrary limitation upon the discussion, singling out only a few significant sample episodes. Three factors have guided the choice of cases: First, as has been pointed out, in actual practice the Monroe Doctrine has been applied only in the area touched by the Caribbean Sea, which area is vital to our commerce and defense. Secondly, within that region our concern with Cuba, Nicaragua, and the Panama Canal has been outstanding. And thirdly, it is an unfortunate fact that must be frankly faced by Americans that we have generally, for at least a half century past, been cordially hated by large numbers of people "south of the border," and it is the proper task of the student of our foreign relations to inquire why this situation has come about and what has been done to improve it. With these points in mind we shall survey briefly a few major Caribbean actions and policies of the United States since about 1900.

The "splendid little war" which we fought with Spain in 1898 was far more significant than was implied in John Hay's patronizing reference to it. Not only did we conquer an admittedly corrupt and decadent European power but, far more importantly, we propelled ourselves into the vast reaches of the Pacific and deep into the politics of the Far East. The years 1895 to 1905 marked the coming of age of the United States as a world power. Our rise was brought about in part by our contributions to the Venezuela-British Guiana boundary arbitration, which has already been mentioned, but also by the Spanish-American War; by the acquisition of Hawaii, the Philippines, Guam, Wake, Pago Pago, and Puerto Rico; by the gaining of rights to the construction of the Panama Canal, in 1903; and by the Roosevelt Corollary of 1905, with its vastly expanded conception of our rights and duties in the Caribbean area. These ten years are of immense importance in our international development. Although not all of the forty-eight states had yet been admitted to the Union, we had substantially rounded out the continent.

were pushing outward. From about 1900 our position and consequent responsibilities in the drama of international relations have been of prime importance to us and to the world, even though our public (and sometimes even our official) opinion has been laggard in its appreciation of the new set of facts.

CUBA

► *Cuban Unrest.* For the major part of the nineteenth century the Spanish colony of Cuba had been oppressed and exploited by a reactionary, corrupt, and extravagant imperial government.¹ For purely humanitarian reasons, if no others, it could not have been expected that such treatment would go unnoticed by Cuba's next-door neighbor; a sympathy for the underdog and a feeling that our experiences with the English Hanovers had been comparable to Cuban relations with the Spanish Bourbons were bound to evoke American protests against Spanish methods, even though the intense cruelty of the Cubans at least matched that of their opponents. This American concern was not something that arose only in the 1890's; it was of earlier origin. In 1875, for example, President Grant, in his annual message to Congress, spoke of "... the ruinous conflict which has been raging for seven years in the neighboring island of Cuba" and continued:

The same disregard of the laws of civilized warfare and of the just demands of humanity which has heretofore called forth expressions of condemnation from the nations of Christendom has continued to blacken the sad scene. Desolation, ruin, and pillage are pervading the rich fields of one of the most fertile and productive regions of the earth. . . .²

The autocratic powers and edicts of the Spanish captains-general at times seemed almost as intolerable to Americans as to Cubans, and sometimes indeed they were quite as much so, as when in 1868 the captain-general ordered that any ship with arms on board if found in or near Cuban waters was to be seized and all persons on board were to be executed, regardless of the ownership or destination of the vessel. In 1873 this order was carried out by Spanish seizure of the *Virginus* and execution of fifty-three passengers and crewmen, twenty-five of whom were British or American. The ship had been flying the American flag, although fraudulently. There was far from sufficient justification for capture of a ship on the high seas and execution of its crew and passengers, and ultimately the Spanish government paid an indemnity to the British and American governments, to be transmitted to the

¹ The following pages on the Cuban situation are not intended to be more than a summary of the high spots. For more details, see S. F. Bemis, *A Diplomatic History of the United States* (Holt, 3rd ed., 1950), pp. 432-450, 503-508; R. H. Fitzgibbon, *Cuba and the United States, 1900-1935* (George Banta, 1935); and D. G. Munro, *The United States and the Caribbean Area* (World Peace Foundation, Boston, 1934).

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families of the dead men.³ War could have come at that point, but tempers were not yet hot enough.

Not only did we have an emotional dislike of oppression of the Cubans but we found that their apparently interminable state of revolution was bad for business. It was especially so during the "Ten Years War" of 1868-1878. On the other hand, our economic conditions had a pronounced effect upon the Cubans. Our panic of 1893 and the ensuing depression adversely affected the American market for their produce, and our passage of the Wilson tariff act of 1894 put duties on Cuban sugar which naturally reduced sales and increased unrest. Thus we too bore some share of responsibility for the island's troubles.

➤ *Warmongering, 1898.* Spain's suppression of Cuban liberties and its policy of herding thousands of civilians into concentration camps where horrible conditions of health and sanitation existed served to arouse public opinion in the United States; but a newspaper war in New York City inflamed it still more. Here the competition between William R. Hearst's *Journal* and Joseph Pulitzer's *World* was so intense that any scrap of "news" was likely to be exaggerated into scare headlines.⁴

Scarcely more likely to soothe American feelings toward Spain was the episode of the Spanish ambassador to Washington, Dupuy de Lome. He had written a private letter to a Cuban friend in which he implied a considerable lack of sincerity on the part of his own government in the matter of bringing about a settlement in Cuba, and he went on to remark that President McKinley was "weak and a bidder for the admiration of the crowd, besides being a would-be politician who tries to leave a door open behind himself while keeping on good terms with the jingoes in his party." A dispassionate observer might have found some grains of truth in the indictment, but citizens of no country enjoy criticism from abroad. This letter, by fair means or foul, found its way into the pages of Hearst's *Journal* on February 9, 1898, and quite understandably caused a furor of anti-Spanish feeling. So intense, indeed, was this antipathy that de Lome resigned at once, before his own government had time to recall him in compliance with our urgent request. The wisdom of committing such thoughts to paper was questionable, in view of de Lome's diplomatic status; nevertheless, none but a yellow sheet would have published such a purloined personal letter.

➤ "*Remember the Maine.*" An already war-conscious American public opinion was still further aroused when, on February 15, 1898, the *Maine* blew up in Havana harbor, with a loss of 260 lives. Responsibility for this disaster

³ See E. C. Stowell and H. F. Munro, *International Cases* (Houghton Mifflin, 1916), Vol. I, pp. 368-371.

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has never been authoritatively fixed, and probably it never will be. A Spanish inquiry alleged that the explosion was internally caused, whereas an American inquiry spoke of external explosions followed by internal ones. The ship was raised and examined in 1911, but the evidence obtained was inconclusive; thereupon it was towed out to deep water and sunk. In any case, when word of this blast reached the United States it seemed that war might be only minutes away.

Negotiations in the ensuing weeks brought definitely, though insufficiently, conciliatory gestures from Spain, and on April 11 McKinley in a message to Congress requested authority to use armed force, if necessary, for the pacification of Cuba. He concluded:

The issue is now with the Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable condition of affairs which is at our doors. Prepared to execute every obligation imposed upon me by the Constitution and the law, I await your action. . . .

If this measure [i.e., a possible Spanish order to suspend hostilities in Cuba] attains a successful result, then our aspirations as a Christian, peace-loving people will be realized. If it fails, it will be only another justification for our contemplated action.⁵

The last sentence had an ominous ring, and its purport was not lost in Congress. The desired authorization was granted, and on April 19 Congress went on to pass a joint resolution declaring Cuba to be independent and directing the President to use the armed forces of the United States to force Spain to withdraw from the island. Spain refused to do so, and on April 25 Congress declared war.

Three months later Spain sued for peace and the summer war was over; a "little war," but one great with implications for the future foreign relations of the United States. It was a war that almost without question could have been avoided if Spain had moved somewhat more rapidly toward conciliation and the United States more slowly away from it.⁶ That, however, is water over the dam. History records that the war ended with a treaty providing that Spain should relinquish all sovereignty over Cuba, should cede Puerto Rico and Guam to the United States, and, possibly most fateful of all, should cede the Philippine Islands to us. The latter cession came to be referred to as "The Great Aberration."

➤ *The Teller Amendment.* To the congressional resolution of April 19 the "Teller Amendment" had been proposed and accepted; in it the United States, with reference to Cuba, denied that it had any "disposition or intention to exercise sovereignty, jurisdiction or control over said Island, except for the pacification thereof, and asserted its determination, when that is accomplished

⁵ Bartlett, ed., *op. cit.*, p. 381.

⁶ A most readable story of the background and action of the war will be found in Walter Millis, *The Martial Spirit* (Houghton Mifflin, 1931).

to leave the government and control of the Island to its people." The wisdom and logic of this self-abnegation have been seriously doubted, especially in view of the absence of any comparable policy toward the Philippines. We refused to aggrandize ourselves at the expense of a small country at our very doorstep, and yet we somewhat inconsistently proceeded to acquire territory and accompanying problems 7000 miles from our Pacific coast. If we were going to acquire land as a result of the Spanish-American War it might have been more logical to reverse the situation. Logic, however, is apt to be held in abeyance in wartime, and certainly it was in 1898, in more ways than one.

Our failure to annex Cuba although we took the Philippines was all the more interesting in that on several occasions in times past there had been serious talk of acquisition of Cuba. In 1823 John Quincy Adams had stated that it was "... scarcely possible to resist the conviction that the annexation of Cuba to our federal republic will be indispensable to the continuance and integrity of the Union itself," and on at least two occasions, in 1848 and 1854, attempts had been made to purchase Cuba from Spain because of its manifest economic and defense importance to the United States.⁷ Be that as it may, "We abated a nuisance at our door and gave Cuba her opportunity for a new and vigorous national life . . . it is plain that the significant thing in our intervention was not that we went in but that we came out."⁸

➤ *The Platt Amendment.* Although we came out of Cuba physically, in a manner of speaking we stayed in, under the famous "Platt Amendment." This amendment was adopted in 1901 as a rider to an army appropriation act, and it required Cuba to accept several limitations on its sovereignty: (1) Cuba was never to enter into a treaty that would impair its independence or allow a foreign power to obtain any colonial or military control; (2) Cuba was not to incur a public debt beyond its reasonable capacity of repayment; (3) the United States was to have a right to intervene by force in Cuba to preserve its independence or to protect life, liberty, and property; and (4) Cuba was to sell or lease to the United States the necessary sites for two naval or coaling stations, later to be agreed upon.⁹ For obvious reasons the Cubans disliked the Amendment, but we made their acceptance of its terms a precondition of our evacuation of their island; under this circumstance its provisions were embodied in the Cuban constitution and in a treaty of 1903 with the United States. The third point noted above was the one of outstanding importance, as it gave a broad commission to the United States to intervene whenever it saw fit in Cuban internal affairs; under it we have on several occasions threatened to intervene, and under it we actually governed that country from 1906 to 1909.

➤ *American Influence in Cuba.* However, quite apart from such regula-

⁷ For the relevant documents, see Bartlett, ed., *op. cit.*, pp. 231-242.

⁸ Former Secretary of State Charles E. Hughes, in his *Our Relations to the Nations of the Western Hemisphere* (Princeton University Press, 1928), p. 76.

⁹ The text of the Platt Amendment is in Bemis, *op. cit.*, pp. 504-505.

tions, and even in their absence, it is obviously completely unrealistic to suppose that Cuba's affairs can ever pass unnoticed by its northern neighbor, or that that neighbor really needed such a treaty in order to enforce its will. Factors of geography and economics accomplish the same end: as long as Cuba maintains substantially a one-crop (sugar) economy and is thus dependent upon exports which by the very nature of the country's location will go mainly to the United States, the latter by imposition or threat of quotas or tariffs can make Cuba dance to its piping. This is not to say that the United States should use this advantage, but simply that it can do so. Furthermore, we have the significant power of recognition of new governments; by refusing to recognize a new government we effectively seal off most of its natural foreign market and source of foreign loans in the United States, so that an unrecognized government normally has an extremely short life expectancy.

Realizing these facts, one need not believe that a tremendous change was wrought in Cuban-American relations by the treaty of 1934, which released Cuba from the restrictions of the Platt Amendment except that we retained the right to the naval station at Guantánamo. Thus we no longer have a legal right of intervention, but we retain effective control through other devices; if proof of this statement were required, it was provided by Congress' passage in 1934 of the Jones-Costigan Act, which allowed the fixing of sugar import and production quotas within the United States and which represents, at least from the point of view of Cuba's important sugar producers, the well-known Damoclean sword. One must hasten to add that the foregoing view is in all likelihood overly legalistic. It is certain that an important psychological effect and a major bolstering of the "Good Neighbor" policy inhered in American initiative in the abrogation of the provisions of the Platt Amendment. This is by no means to be ignored.

➤ *Motivation of American Policy.* In the study of our foreign relations it is obviously important to know what has happened; but the student of foreign policies must also attempt to determine why it has happened. Specifically, what motivated United States policy in the Spanish War and in its settlement? Clearly, there were at least three major factors with regard to Cuba. First, there was undeniably a strong humanitarian drive. The brutalities of the long drawn-out Cuban insurrection were revolting to Americans, and this geared in well with the inbred American hatred of so reactionary and anti-democratic a rule as that of Spain. Secondly, not quite as obvious but nonetheless present were valid economic motives; the facts were inescapable that a two-way trade could not be carried on satisfactorily under conditions of civil war and that an independent Cuba could logically be expected to be a far better customer than a colonial Cuba. A third strong motive was that of military defense. The days of the Spanish War were also the days of greatly stimulated United States interest in the Panama Canal, dramatized by the

long-distance run of the *Oregon* from the west coast around Cape Horn; more will be said on this subject in the next section of the present chapter. The defense element was clearly stated in the Platt Amendment's terms: Cuba must not only contract no debt that it could not repay, thus inviting foreign collection by force, but beyond that must permit the establishment within its territory of two American naval stations.

Somewhat different was the situation with regard to the Philippines. The British sometimes maintain that their empire was acquired in "a fit of absence of mind," and the same phrase may be applied to the acquisition by the United States of the Philippines. When the war was over there was great debate and soul searching in Washington as to the disposition of those islands, which had been invaded in order that we might attack Spain on another front. Should we leave them altogether? If so, Germany might well absorb them. Should we retain some of them? If so, which ones? Possibly the simplest solution might be to take them all and determine later what should be done about them.

Like the British, we "muddled through" without plan. The episode of the Philippines was similar to British practices in more ways than that of a rather surprisingly purposeful absence of mind. Many Americans have long smiled condescendingly at Rudyard Kipling's song of the assumption of the "white man's burden," which was the obligation of raising the status of the African or Indian; they have tended to believe that Henry M. Stanley, an avowed imperialist, was really preaching the same sermon in a more forthright manner when he brought British businessmen cheering to their feet with his descriptions of the millions of yards of cotton cloth that Lancashire mills could sell to the dusky peoples on the other side of the equator.¹⁰ Not unnaturally, we often tend to suspect the sincerity of the humanitarianism of other nations, while professing the genuine article ourselves. It should be freely admitted that concern for "our little brown brothers" or "our civilizing mission" may easily be nothing more than a mask for crass materialistic imperialism, but it must also be recalled that there may well be bona fide missionary zeal present.

Before we sneer at the British in general and Rudyard Kipling in particular, it may be instructive to read a speech made in our Senate in 1900 by Mr. Albert Beveridge, of Indiana. In this speech are interestingly combined motives of sheer altruism, go-get-'em salesmanship, and the ebullient expansionism which had seized many Americans at this time. Analysis of the whole speech would be a good project for one who would discover the motivation of the United States in its acquisition of empire. Some pertinent extracts follow:

Mr. President, the times call for candor. The Philippines are ours forever. . . . And just beyond the Philippines are China's illimitable markets. We will not retreat from either. We will not repudiate our duty in the archipelago. We will not abandon our opportunity in the Orient. We will

¹⁰ See Parker T. Moon, *Imperialism and World Politics* (Macmillan, 1926), p. 66.

not renounce our part in the mission of our race, trustee, under God, of the civilization of the world. And we will move forward to our work, not howling out regrets like slaves whipped to their burdens, but with gratitude for a task worthy of our strength, and thanksgiving to Almighty God that He has marked us as His chosen people, henceforth to lead in the regeneration of the world. . . . Our largest trade henceforth must be with Asia. The Pacific is our ocean. More and more Europe will manufacture the most it needs, secure from its colonies the most it consumes. Where shall we turn for consumers of our surplus? Geography answers the question. China is our natural customer. . . . The Philippines give us a base at the door of all the East. . . .

Nothing is so natural as trade with one's neighbors. The Philippines make us the nearest neighbors of all the East. Nothing is more natural than to trade with those you know. This is the philosophy of all advertising. The Philippines bring us face to face with the most sought-for customers of the world. National prestige, national propinquity, these and commercial activity are the elements of commercial success. The Philippines give us the first; the character of the American people supply the last. It is a providential conjunction of all the elements of trade, of duty, and of power. . . .

[We should not] apply any academic arrangement of self-government to these children. They are not capable of self-government. How could they be? They are not of a self-governing race. . . .

They know nothing of practical government except as they have witnessed the weak, corrupt, cruel, and capricious rule of Spain. . . . How shall they, in the twinkling of an eye, be exalted to the heights of self-governing peoples which required a thousand years for us to reach, Anglo-Saxon though we are?

Mr. President, self-government and internal development have been the dominant notes of our first century; administration and the development of other lands will be the dominant notes of our second century. . . .

Mr. President, this question is deeper than any question of party politics; deeper than any question of the isolated policy of our country even; deeper even than any question of constitutional power. It is elemental. It is racial. God has not been preparing the English-speaking and Teutonic peoples for a thousand years for nothing but vain and idle self-contemplation and self-admiration. No! He has made us the master organizers of the world to establish system where chaos reigns. . . . He has marked the American people as His chosen nation to finally lead in the regeneration of the world. This is the divine mission of America, and it holds for us all the profit, all the glory, all the happiness possible to man. We are trustees of the world's progress, . . .

Blind indeed is he who sees not the hand of God in events so vast, so harmonious, so benign. . . .¹¹

There will now be a brief pause while the congregation meditates upon the complexity of human emotions and of personal and national motivations.

¹¹ Speech made January 9, 1900. Quoted in Bartlett, ed., *op. cit.*, pp. 385-388.

PANAMA

The *Machtpolitik* of the United States was not applied solely to Spain and Cuba. Shortly after the turn of the present century the Republic of Colombia had occasion to discover that fact, in the form of American action to build a canal through Panama under the sole control of the United States.

➤ *An Isthmian Canal.* There has been speculation about the construction of an isthmian canal ever since the days when Christopher Columbus attempted to find a new route to the Indies, but serious projects aimed at building one date from the first half of the nineteenth century. At that time there was considerable discussion of a Central American canal to provide easy access from the Atlantic to the Pacific, but the matter was not then thought to be of vital importance to the United States; although we expressed mild interest in such proposals we were quite content to allow them to be carried out by some other nation or group of nations. We had, however, in 1846 negotiated (and in 1848 ratified) a treaty with New Granada, as Colombia was then called, according to which the latter guaranteed that the right of transit across the Isthmus of Panama would be open to United States citizens (although not exclusively to them), and by which the United States guaranteed the neutrality of the Isthmus and the sovereignty of New Granada over the territory.¹²

There was at this time much Anglo-American bickering about canal and other territorial rights in Central America, but since neither nation was determined to exercise exclusive control it was possible to effect a compromise between them. That we were not yet thinking of a canal under our own control was clearly indicated in 1850 by our conclusion with Britain of the Clayton-Bulwer Treaty, by which it was agreed that neither country would ever maintain exclusive control over the then much-discussed Nicaraguan route, or over any other, and that neither would fortify points commanding the prospective canal or dominate any Central American approaches to it.¹³ From the point of view of our immediate interests there was much to be said for such an arrangement. We were not then interested in building a canal ourselves, and yet considerations of our defense and of the noncolonization precepts of the Monroe Doctrine prompted us to raise a restraining hand against the recent demonstrations of great British interest in Central America, especially in

¹² There were several other provisions in this treaty which had nothing to do with a canal. Those mentioned above were inserted into it by the American negotiator without instructions from the State Department. Although there were serious mental reservations as to the wisdom of the canal provisions, the Senate approved and the President ratified the treaty in 1848. Bemis, *op. cit.*, pp. 244-246. The text of the treaty may be found in Bartlett, ed., *op. cit.*, pp. 244-245.

¹³ The text of the treaty is reprinted in Bartlett, ed., *op. cit.*, pp. 251-252.

receive for itself the forty millions that the company was to be paid, plus an extra fee from the company for the privilege of transferring the concession. Had it not been for this avarice the Hay-Herrán Treaty would have been the last legal step in the proceedings, the United States would have made the payments, and Panama would have continued to be simply a province of Colombia.

➤ *Revolt in Panama, 1903.* The French canal company, fearful of the expiration of its rights without its having received any payment from anyone, came to the conclusion that it would be a worth-while venture to assist the insurrectionist groups in Panama which had long agitated for independence from Colombia. Philippe Bunau-Varilla, who had been chief engineer for the canal company and who had become a fabulous dabbler in diplomacy and revolution, proceeded not only to foment Panamanian revolt but also to interest President Theodore Roosevelt in it as a means of promoting a canal under American control.

There appears to be no truth in the accusation that the United States actually started the revolt of Panama, but it is certain that once the insurrection had begun we took numerous measures to assist it and profit from it. Our intervention consisted primarily in sending certain naval vessels to the Atlantic coast of Panama in late October 1903, with orders to prevent the Colombian government from landing troops in Panama to suppress the expected rebellion. Since there was no effective overland transportation from Colombia to the scene of the outbreak, since our warships prevented the landing of troops from the sea, and since Colombian troops on the Pacific coast of Panama were prevented from using the one railroad to the other coast, the success of the revolution was virtually assured from the outset.

➤ *A New State.* The revolution broke out on schedule on November 3, 1903. On November 6 we recognized the *de facto* government of Panama, and on November 18 we proceeded to conclude a treaty with it by which we guaranteed its independence in return for a grant in perpetuity of a 10-mile-wide strip across the isthmus, for which we would pay ten million dollars in cash and a \$250,000 annuity. We were to administer the canal zone "as if we were sovereign" (a phrase the interpretation of which later evoked disputes) and were to have the right to station troops in the zone and to intervene by force in the Republic of Panama if necessary to maintain order.¹⁸ Thus we had assisted a revolution in an ostensibly friendly state in order to create a protectorate over a revolutionist segment in which our canal-building interests

¹⁸ Panama's plenipotentiary for the signature of the November 18 treaty was none other than Philippe Bunau-Varilla. See his *Panama, the Creation, Destruction, and Resurrection* (McBride, Nast, & Co., 1914). Other volumes on the Panama episode which are worth consulting are H. C. Hill, *Roosevelt and the Caribbean* (University of Chicago Press, 1927); and D. C. Miner, *The Fight for the Panama Route* (Columbia University Press, 1940).

use of an American-built and American-controlled canal and could avoid antagonizing the primary power in the Western Hemisphere by protracting any longer the argument over canal rights. There still remained, however, the problems of buying out the bankrupt French canal company's rights and of obtaining the consent of Colombia to traverse her territory. To these tasks we now turned.

➤ *Negotiations with Colombia.* In 1878 the French canal company had obtained from Colombia the right to construct a canal across the Panamanian isthmus, and three years later it had begun actual work. However, the project turned out to be unexpectedly difficult, from the standpoints both of engineering and of hygiene (because of the yellow-fever threat); thus by 1887 the company, which had originally expected to complete the canal with an expenditure of 168 million dollars, found that it had spent nearly 300 million dollars and still had progressed only one third of the way.

It became apparent that the task was hopeless, and thus with the ratification of the Hay-Pauncefote Treaty in 1902 the French company made intensive efforts to sell its concession to the United States. This concession was to expire in 1904, and the company, fearful lest that date arrive without its having salvaged anything, offered to sell out to the United States for forty million dollars. This bargain price was such as to persuade the United States away from its original intention of following the Nicaraguan route, which had been recommended in preference to that through Panama both by President Grant's investigatory commission, in 1876, and by the Walker Commission, in 1901; both had thoroughly explored the alternatives, and both favored the northern route. In 1902 Congress authorized the President to accept the French offer and to obtain the necessary Colombian consent; it also wisely empowered him to negotiate with Nicaragua for similar purposes if the Panama deal fell through.

➤ *The Hay-Herrán Treaty, 1903.* Thus far matters progressed favorably. It was now necessary to obtain Colombian consent to the transfer of the concession from the French company to the United States. At first this appeared to be a simple matter, and the Hay-Herrán Treaty was negotiated in January 1903 and approved two months later by our Senate. Thereby the French company was authorized to sell out to the United States, and the latter, in return for a down payment of ten million dollars plus a \$250,000 annuity, was granted the right to build and maintain a canal on the 6-mile-wide strip that was to be allotted for the purpose.

After this, however, the gears failed to mesh. Colombia refused to ratify, ostensibly on the ground that such a grant might unduly restrict its sovereignty but probably because it calculated that, first, a protraction of the negotiations might result in larger payments from the United States and, secondly, since the French concession would soon expire, Colombia might be able to

receive for itself the forty millions that the company was to be paid, plus an extra fee from the company for the privilege of transferring the concession. Had it not been for this avarice the Hay-Herrán Treaty would have been the last legal step in the proceedings, the United States would have made the payments, and Panama would have continued to be simply a province of Colombia.

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were great. It was a matter for our own consciences that the 1848 treaty with New Granada was still in force, by which we had guaranteed the neutrality of the Isthmus and New Granada's sovereignty thereover. In any event, construction of the canal was undertaken in 1907, and in 1914 it was opened for use.

► *The American Justification.* Debate still rages over the justification, if any, for the action of the United States in this episode. On the one hand, we had made reasonable efforts to accomplish our ends legally, by the purchase of the French company's rights and by agreement with Colombia, which was thwarted at the eleventh hour by the latter's greed. On the other hand, no law forbade the Colombian government to change its mind. By our action on November 6, 1903, we were false to our own oft-enunciated recognition policy, which from the days of Thomas Jefferson had held that we would recognize a new government, without concern for its legitimist origin, if and when we were satisfied that it gave reasonable evidence of sufficient popular support to ensure relative permanence and that it would fulfill its international obligations. It was obvious that these conditions could scarcely have been complied with in the three days between the outbreak of revolution and our grant of recognition.

One type of justification for our action was provided by Secretary of State Elihu Root when he argued that:

By the rules of right and justice universally recognized among men and which are the law of nations, the sovereignty of Colombia over Panama was qualified and limited by the right of the other civilized nations of the earth to have a canal constructed across the Isthmus and to have it maintained for their free and unobstructed passage.¹⁹

Manifestly this statement had a ring of that appeal to a "higher law" which statesmen sometimes make when mundane law does not sanction their actions, and certainly it was hollow pretension from the standpoint of those Latin American states which had long commented bitterly on the unilateral benefits of "Yankee imperialism." An appeal to international law for so broad an interventionary right as was here claimed was at best a tenuous argument. A French publicist described it more bluntly and less philosophically when he termed the Panamanian recognition as "an unjustifiable intervention by a powerful state in the internal affairs of a weak state."²⁰ However, since what was done cannot be undone even if one wishes, the important thing for Americans to recall from the episode is that we not only gained great defense advantage from it but also incurred still further wrath and suspicion from our Latin neighbors.

¹⁹ Quoted by E. C. Stowell, *Intervention in International Law* (J. Byrne & Co., 1921), p. 257 n.

²⁰ Frantz Despagne, *Cours de Droit International Public* (L. Larose and L. Tenin, Paris, 4th ed., 1910), p. 111.

➤ *Final Settlement with Colombia.* The fact of the matter was that the public and private conscience of the United States hurt, and consequently on occasion in subsequent years proposals were made for a treaty with Colombia by which we would express an apology for the seizure of Panama and make a money payment by way of indemnity. None was carried through. On one occasion Colombia demanded the referral of the matter to arbitration; but the United States, with an eye on the probable outcome, declined. Finally, in 1922, a treaty was concluded and ratified in which the United States paid over twenty-five million dollars in order to remove “. . . all the misunderstanding growing out of the political events in Panama in November, 1903,” but with no apology. A pertinent fact was that the Standard Oil Company was at that moment having difficulty in gaining from Colombia concessions for oil exploration on that country's territory.²¹

➤ *The Canal Tolls Controversy.* Three further events relating to the canal or to Panama should be briefly mentioned. The first concerned the tolls controversy. The *Hay-Pauncefote Treaty of 1902* had provided that the canal should be open to the ships of all nations on equal terms similar to those governing use of the Suez Canal; but an act of Congress of 1912, when the canal was nearly completed, provided that no tolls should be charged to vessels engaged in United States coastwise shipping. Since by law coastal shipping was restricted to ships of United States registry, this act had the effect of giving American ships a preferential status, to which Great Britain objected as being in violation of the 1902 treaty. Through the ensuing diplomatic debate the United States contended that the phrase “all nations” in the treaty was not to be construed to include the builder of the canal; it declined the British suggestion of arbitration, although many lawyers believed that the American legal case was a good one. Finally, in 1914, Congress acquiesced in President Wilson's suggestion to repeal the exemption clause of the toll act, thus in effect concurring in his opinion that the point was at least debatable and that we should yield gracefully in order to preserve international harmony.

➤ *End of Interventionary Rights in Panama.* The second matter concerns the right of intervention in Panama, which we came to enjoy in consequence of the treaty of 1903. Panama's situation was somewhat similar to Cuba's with regard to the Platt Amendment. The Panamanian constitution of 1904 and another treaty of the same year with the United States gave permanent authorization to the latter country to intervene in any part of the Republic in order to maintain peace and order, and placed on it an obligation to guaran-

²¹ The text of the treaty of 1922 will be found in Bartlett, ed., *op. cit.*, pp. 405-406. On the oil concessions, see J. F. Rippey, “The United States and Colombian Oil,” *Foreign Policy Reports*, Apr. 3, 1929. On Canal diplomacy in general, see G. H. Stuart, *Latin America and the United States* (Appleton-Century, 4th. ed., 1943), Chapters 4 and 5; also S. F. Bemis, *The Latin American Policy of the United States* (Harcourt, Brace, 1943), pp. 142-151.

tee the independence of Panama. This right of intervention was exercised on several occasions. However, the old protectorate policies seemed inconsistent with the Roosevelt administration's "Good Neighbor" policy, and in 1936 a new treaty was signed (ratified by the United States and in force in 1939) which terminated the right of intervention and thus the virtual protectorate.

➤ *Canal Annuities Due Panama.* Thirdly, there was controversy in 1934-1936 over the annual payments due Panama under the 1903 treaty in return for canal rights. The American dollar had been devalued as part of our domestic monetary policy; and when the 1934 payment was tendered in the devalued currency, Panama objected and demanded payment in gold coin, as prescribed by the treaty's terms, in spite of the fact that the United States, by going off the gold standard, had suspended gold payments within the country. An agreement was finally reached, by treaty of 1936, by which the United States undertook to make future payments in the currency of Panama which would be equal to or slightly above the \$250,000 that we had contracted to pay.

NICARAGUA

➤ *American Interests in Nicaragua.* For more than a century the United States has felt and expressed concern over Nicaraguan affairs. Several motives have been involved at one time or another: we wished to protect the lives and property of our citizens in a traditionally turbulent land; we wished to prevent violation of the Monroe Doctrine, which England threatened in the mid-nineteenth century; after 1903 we wished to defend the approaches to the Panama Canal; and during the whole period we have sporadically expressed the desire for the ultimate construction of an interoceanic canal across Nicaragua.

Reference has already been made to the fact that we have long considered such a canal through Nicaragua desirable, and that at least two investigating commissions have reported (in 1876 and 1901) that this route would be preferable to that through Panama. The latter was actually chosen more by accident than by design, and the Nicaraguan project remains today a distinct possibility. Indeed it may be even more likely today than fifty years ago, because the Panama Canal is in danger of being overloaded with traffic, because its locks are too narrow for some of our largest warships, and because of the desire for an alternative route, to be available in case the United States should suffer the strategic disaster, in time of war, of enemy bombing or sabotage of Panama. For decades the width of the narrowest lock (110 feet) was a determining factor in American naval architecture: the Navy built no ships that could not pass through that lock. However, with the tremendous naval expan-

sion of World War II a few ships were constructed with a beam greater than 110 feet.²²

➤ *Intervention.* Since the middle of the nineteenth century our government has seen fit to intervene in one way or another for the protection of our interests in Nicaragua. In 1854 an American naval force bombarded Greytown in punishment for insults to the American minister, and on several other occasions, notably in the present century, we have exerted either the threat or the substance of military force. In 1909, for example, there was revolt against the autocratic President Zelaya, in which the United States intervened diplomatically in such a way as to assist in supplanting him by one who was more favorably disposed toward us. From 1912 until January 1933, our marines were present almost continuously for various purposes, including the guarding of our legation, the protection of our nationals and their property, the maintenance of order in the face of the disturbances of such rebels as Sandino, the training of the local police force, and the policing of elections (as in 1928, 1930, and 1932) in order to ensure a fair vote.

Frequently in these activities one complication has led to another. The United States lands forces, for example, in order to protect life and property in time of revolution, and by this action it may give special support to one of the contending factions. When this faction comes to power, in part by our assistance or benevolent neutrality, we recognize it and enter into diplomatic relations, only to find, as we sometimes have found, that the new regime is not truly supported by majority opinion in the country. We are thus put in the embarrassing position of maintaining a minority government; in order to rectify this situation, we state that the next election will be policed by our armed forces, in order to ensure that ballots will be used in preference to the traditional electoral bullets and that the ballots will be honestly counted. This may be a logical and useful step, but it does involve us in still further supervision of what are essentially internal affairs of a foreign sovereign state. Thus does one thing lead to another, once the initial step of intervention is taken. This has happened not only in Nicaragua but elsewhere as well, notably in Haiti and Santo Domingo.

➤ *A Nicaraguan Canal.* In 1914, with our eyes on a new canal route and our marines in occupation of Nicaragua, we negotiated the well-known Bryan-Chamorro Treaty, which was ratified and went into force in 1916.²³ By its

²² An interesting article on the problem of defense of the canal and on some possible alternative routes is that by Sidney Shalett, "Can We Defend the Panama Canal?" *Saturday Evening Post*, Oct. 9, 1948, pp. 15 ff.

²³ The text of the treaty is in Bartlett, ed., *op. cit.*, pp. 542-543. This was by no means the first evidence of American interest in the Nicaraguan canal route. A treaty looking toward such a canal had been negotiated as far back as 1849, but it was never ratified because of the Clayton-Bulwer Treaty of 1850.

terms Nicaragua gave us perpetual and exclusive rights to any canal route that we might choose across its territory, but made especial reference to the most likely one, which would follow the San Juan River from the Caribbean up to Lake Nicaragua and thence go out through a relatively short cut to the Pacific. We granted Nicaragua three million dollars annually, to be used for such purposes as reduction of public debt, and received in return a ninety-nine-year renewable lease on its Great Corn and Little Corn Islands in the Caribbean and the right to construct a naval station in its territory on the Gulf of Fonseca, on the northwest coast. The leaseholds were to allow the United States to establish suitable installations for the defense of the approaches to the projected canal. This by itself was a reasonable enough arrangement, but there were pressures beneath the surface which caused protests by two of Nicaragua's neighbors.

➤ *Objections to the Canal.* Costa Rica, to the south, protested that the grant of rights for canal purposes in the San Juan River, which formed the boundary between the two states, was in violation of a Nicaraguan-Costa Rican treaty of 1858. By this treaty Costa Rica had been guaranteed navigation rights on the San Juan, and it feared that its use of the river would be restricted if not destroyed by the work incidental to the river's conversion into a link of the canal; the same treaty, furthermore, had obliged Nicaragua to consult with Costa Rica before entering into any contract for the construction of an interoceanic canal, but there had not been any such discussions prior to the conclusion of the Bryan-Chamorro Treaty. In short, then, the Costa Rica contention was that the Bryan-Chamorro agreement was in violation of a valid pre-existing obligation.

El Salvador liked the Bryan-Chamorro arrangements no better, although for different reasons. The Gulf of Fonseca, on which we were to have rights to a naval base, is a small bay the waters of which wash the shores of El Salvador and Honduras as well as those of Nicaragua. El Salvador feared that the erection of an American naval establishment so close to its own territory might present dangers of aggression, and also that in case the United States became involved in foreign war some of that war's actions might be fought around the Fonseca base, with a consequent possibility of Salvadoran involvement. These objections had been in a measure anticipated by the United States Senate, for in its resolution consenting to the ratification of the Bryan-Chamorro Treaty it had entered a reservation to the effect that nothing in the treaty was intended to affect any of the existing rights of Costa Rica, Salvador, or Honduras.²⁴ Both Salvador and Costa Rica, therefore, had bona fide objections to the treaty, and adjudication of the dispute seemed in order.

²⁴ Honduras, which was neutral by the terms of a Central American treaty of 1907, had entered no formal protest against the Bryan-Chamorro pact, but the Senate apparently included its name gratuitously, on the possibility that it might protest in the future.

Thus the matter stands to this day. That this episode still further embittered Latin Americans toward the United States is understandable even if not wholly justifiable. To them it was simply another case in which the "Colossus of the North" had determined to obtain its ends, by fair means if possible and by foul if need be. Thus the episode was still another obstacle to acceptance of the hand offered across the sea by the United States' Good Neighbor Policy in 1933 and thereafter. As a result of the attitude taken by the loser in the suits, the Court was not renewed when the original treaty expired in 1917; the United States lost face, and the world lost a noble experiment to the forces of national self-interest.

THE GOOD NEIGHBOR POLICY

➤ *The Good Neighbor and the Caribbean.* It may at first glance appear illogical that the Good Neighbor policy, relating to Latin America in general, should be discussed in a chapter on Caribbean policy. But the Monroe Doctrine has in practice been applied only in the countries in or about the Caribbean, and it is in the Caribbean countries in particular that the actions of the United States have aroused the ire of the local citizenry to such a pitch of intense hatred as to make some change of policy a simple matter of protecting our own selfish interests. It is true that South Americans have joined Central Americans in loudly cursing "Yankee imperialism," the "Colossus of the North," and so on, but the actions giving rise to these expressions have arisen in the Caribbean. Thus the new policy will be discussed in the context from which it evolved.

➤ *Bases of Latin American Antagonism.* Even the most patriotic American must concede, as he reads the documented facts of his diplomatic history, that the past actions of his country have been such, or were easily susceptible of being made to appear such, as to justify our unpopularity in the southern part of this hemisphere. One can prepare a rather imposing list of events or practices which, particularly when seen through ultranationalistic foreign eyes, go far to explain this unpopularity. A few examples follow, without elaboration: We have insisted, sometimes quite haughtily and autocratically, that the Monroe Doctrine existed exclusively for our own protection and interpretation. Secretary of State Olney once proclaimed that we were practically sovereign in this hemisphere and that our fiat was law here. We detached Cuba from Spain and attached it to ourselves by means of the Platt Amendment, which allowed us to do with Cuba as we saw fit. We intervened in the Panama revolution of 1903 and established a protectorate there to protect the canal rights that we obtained. President Theodore Roosevelt spoke loudly about the necessity of his being an international policeman in this hemisphere and boasted that "I took the Canal Zone." We practiced Knox's dollar diplomacy. We stationed marines in Haiti and Nicaragua and

this hemisphere.²⁸ The restricted application was officially initiated some six weeks later, in April 1933, when the President made his "Pan-American Day" speech; he said:

This celebration commemorates a movement based upon the policy of fraternal cooperation. Never has the significance of the words 'good neighbor' been so manifest in international relations. Never have the need and benefit of neighborly cooperation in every form of human activity been so evident as they are today. The essential qualities of Pan Americanism must be the same as those which constitute a good neighbor, namely, mutual understanding and, through such understanding, a sympathetic appreciation of the other's point of view. It is only in this manner that we can hope to build up a system of which confidence, friendship, and good-will are the corner-stones.

One more speech must be noted: that which the President made on December 28, 1933; in it he announced positively that:

The definite policy of the United States from now on is one opposed to armed intervention. The maintenance of constitutional government in other nations is not a sacred obligation devolving upon the United States alone. The maintenance of law and the orderly processes of government in this hemisphere is the concern of each individual nation within its own borders first of all. It is only if and when the failure of orderly processes affects the other nations of the continent that it becomes their concern; and the point to stress is that in such an event it becomes the joint concern of a whole continent in which we are all neighbors.²⁹

➤ *Intervention and Good Neighborliness.* It will be noted that the key word in the last quotation is "intervention" rather than "good neighbor." Here Roosevelt was meeting head-on the greatest single Latin American objection to the United States: that the latter through the years had made a practice of intervening, whether by diplomatic or military or economic force, in the affairs of other states so as to enforce its will upon them. Our interventionist policy had given us our biggest and blackest demerits, and Roosevelt knew it. But if the United States changed its policy, it stood to gain friends and influence people throughout the hemisphere. That change had been taking place during the preceding five years, and Roosevelt was saying that he would continue it.

It would not be accurate to say that "nonintervention" and "good neighborliness" are interchangeable terms, but there is a high degree of correlation

²⁸ See Sumner Welles, *The Time for Decision* (Harper, 1944), pp. 192-193.

²⁹ All three of the foregoing quotations from Roosevelt are in J. M. Mathews, *American Foreign Relations* (Appleton-Century, rev. ed., 1938), pp. 141-143. See also Dexter Perkins, *The United States and the Caribbean* (Harvard University Press, 1947), Chapters 5-7; Lamar T. Beman, *Selected Articles on Intervention in Latin America* (H. W. Wilson Co., 1928).

between them. Good neighborliness in operation means political, economic, and cultural cooperation, but a very large share of its meaning to Latin America is renunciation of intervention. The Good Neighbor does not dictate but persuades. He does not enforce the Monroe Doctrine at his whim but continentalizes it. He ends intervention in Cuba and Panama, as we did by the treaties of 1934 and 1936.

➤ *Development of Nonintervention.* As we have noted, it is difficult to deny that Latin American protests against our intervention in Cuba, Haiti, Mexico, Nicaragua, Panama, and elsewhere have had merit. On the other hand, as former Secretary of State Charles E. Hughes once diplomatically said, although we may not wish to intervene, there are often countries "in which sovereignty is not at work."³⁰ A nation may properly intervene to protect its citizens and their legitimate business interests against a brutally corrupt and arbitrary personal dictatorship. Mr. Hughes quite properly pointed out that "the rights of nations remain, but nations have duties as well as rights." The tendency of too many Latin American dictatorships has long been to ignore the duties.

In a succession of conferences held by the Organization of American States, which will be considered in the following chapter, the question of intervention has been on the agenda, and the United States has usually been the whipping boy. There is little point in pursuing these resolutions one by one; it will suffice to say that by the 1930's the United States government was prepared, as its President indicated in his 1933 Pan-American Day speech, to abandon its old insistence on its right of unilateral action. This assertion was put into practice in connection with the protectorates over Cuba and Panama. We were prepared to vote at the Buenos Aires Conference, in 1936, for a resolution that declared "inadmissible the intervention of any one of them, directly or indirectly, and for whatever reason, in the internal or external affairs of another"; and in Lima, in 1938, for a similar resolution.³¹ Finally, at the Bogotá Conference of 1948, the following blanket statement was made as a part of the Charter of the Organization of American States:

Article 15. No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

³⁰ He made the statement at the 1928 Havana Pan American Conference, in debate on a resolution that "no state may intervene in the internal affairs of another." See Carlos Davila, "The Montevideo Conference," *Int. Concil.*, No. 300, May 1934, p. 138. Anti-United States feeling was so intense at the 1928 conference that one observer described the meeting as a "Borgia banquet."

³¹ See *Int. Concil.*, No. 328, Mar. 1937, p. 222; *ibid.*, No. 349, Apr. 1939, p. 243.

Article 16. No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 17. The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Article 18. The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.³²

It is difficult to conceive of a broader or more categorical denial of the right of intervention than is contained in the quoted articles. It is noteworthy that the declaration is directed at the subtler forms of intervention as well as at the use of armed force, and that debates at the conference indicated that the second sentence of Article 15 was intended to apply not only to the Western Hemisphere but to the world at large, and thus to serve as condemnation of those forms of subversion and ultimate domination which characterized the activities of the Soviet Union in pushing the Iron Curtain westward after World War II.

The Bogotá Conference stated the principles; the United States agreed to them—and what is more, it has actually practiced them, with one exception, to be noted in a moment. These ideas have constituted a major part of the Good Neighbor program and have contributed at least as much as any other one thing to the present somewhat amazed and incredulous attitude of many Latin states that the “Colossus of the North” no longer appears to be the ogre that it once was. The United States has renounced intervention, it has multilateralized the Monroe Doctrine, and it seems to have started off on a new and cooperative tack. Of course, the Good Neighbor policy has meant more than this alone; it has included cooperation in World War II and a greatly accelerated program of cultural and economic collaboration among nations conceived to be of equal status. These parts of the policy will become more apparent in the following chapter.

➤ *The Case of Argentina, 1946.* The exception referred to above related to the Argentine presidential election of early 1946. One candidate was the notorious Juan Perón, who was known to all to have collaborated with the Fascists during the war, and not to have reformed. The United States published a “Blue Book” based on captured German documents that well established the charge of collaboration, and by issuing it just two weeks before the election gave clear evidence of intent to influence the voters against Perón. The strategem misfired; Perón was elected, and all over Latin America heads

³² *Int. Concil.*, No. 442, June 1948, pp. 392, 421.

noded and knowing glances cast doubt on the sincerity of our protestations of having abandoned interventionism. One such episode can set the Good Neighbor policy back five years.²³

CONCLUSION

This chapter and the preceding one will serve to indicate that the interest of the United States in Latin America, especially in the Caribbean area, is one of long standing. It is also apparent that the reasons for this concern were largely strategic and financial. These pages also show the truth of the statement made earlier that the United States has not pretended to follow a policy of isolationism with regard to the lands south of the border.

These two chapters, and the one to follow, have another significance that should not be lost on Americans. That is the importance of the helmsmanship which in recent years has been expected of the United States. Although in mid-century we think of the United States as a Great Power with worldwide leadership responsibilities, it is worth remembering, as is shown implicitly in these chapters on our relations with Central and South America, that we ascended to a directing position in those areas fifty years before we did so on a world scale. We have long since regarded ourselves, and more recently have been regarded by others, as the power to be consulted on all matters relating to the Western Hemisphere. In recent years we have attempted to make our management more discreet and less obvious than at the turn of the present century, and, as the following chapter will show, we have recently depended more and more heavily on joint international machinery; but tacitly we still let it be known that in our estimation the government of the United States is the presiding officer of the Hemisphere.

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²³ See the Blue Book: *Consultation Among the American Republics with Respect to the Argentine Situation*, Dept. St. Publ. No. 2473 (GPO, 1946); *United States in World Affairs, 1945-47*, pp. 218-220; and Sumner Welles, *Where Are We Heading?* (Harper, 1946), Chapter 4.

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INTER-AMERICAN ORGANIZATION

ALTHOUGH STRICTLY SPEAKING an organization for the promotion of the turn of mind known vaguely as "Pan-Americanism" was projected as long ago as 1811, practically Pan-American cooperation as we know it is a product of the twentieth century. Its initial impetus came as far back as the time of Simon Bolivar, "The Great Liberator," who in 1826 sponsored a conference to which all the Latin American states were invited, in the hope that they might form a confederation. But nothing came of the meeting. Delegates came from only a few states. Observers were present from England and Holland, and two were dispatched also from the United States, but one of them died en route and the other arrived too late for the sessions. Finally, the conventions adopted by the conference failed of ratification by the member states. Similar conferences were held in later years, but their achievements were as negative as those of the 1826 meeting.¹ Plainly the centrifugal forces were too great, and the external pressure toward cooperation was too light, for the construction of even a weak inter-American organization.

➤ *The Nature of Pan-Americanism.* "Pan-Americanism" may be considered a misnomer, in that the movement bears little if any resemblance to "Pan" movements of years gone by. Pan-Americanism does not imply, as did Pan-German and Pan-Slav policies, the concept of actual political union of a supposedly homogeneous people under one government. As was noted before, Bolivar envisioned a union along this line, and there have been some abortive attempts at union of the Central American states,² but the project on a hemispheric scale has never had any real chance of success. When we now speak of Pan-Americanism we understand not a movement toward political unification or even loose confederation but rather a series of attempts

¹ See T. B. Jones, *An Introduction to Hispanic American History* (Harper, 1939), pp. 402-413; also Ruth D. Masters, *Handbook of International Organizations in the Americas* (Carnegie Endowment for International Peace, Washington, 1945), pp. 332-338. The latter is an extremely useful compilation of information on 109 international organizations in the Western Hemisphere, including the Organization of American States and its affiliates. An excellent collection of documents is that by James W. Gantenbein, *The Evolution of our Latin-American Policy: A Documentary Record* (Columbia University Press, 1950).

² On attempts at Central American union, see Dana G. Munro, *The Five Republics of Central America* (Oxford University Press, 1918), pp. 24-30, 164-184.

to achieve intellectual and cultural interchange and to remove some of the major obstructions to the international political and economic life of the states of the Western Hemisphere.

During World War II important steps were taken in the direction of military cooperation, and, as will be discussed shortly, the American countries have lately been edging cautiously toward what earlier was anathema: political cooperation in the maintenance of the peace of the Americas and in protection from the dangers facing them from Europe or Asia.³ Even so, the nations of this hemisphere are far too jealous of their national sovereignty to consider anything approaching political union, although they are little by little increasing the degree of cooperation.

➤ *Reasons for Lack of American Unity.* Linguistically and culturally the Latin Americans are far closer to Spain and France than to the United States, and in many cases they are closer even in miles. Those in the United States who are accustomed to thinking of Latin America as those countries "south of the Rio Grande" would do well to take a map of this hemisphere and draw on it a line north and south through New York City; it will be discovered that the southward projection of this line runs along the western bulge of South America and not along the east, as many of us would be likely to imagine. Thus Latin America for the most part is not really south but southeast of us.

Political union with the United States on a voluntary basis has long been out of the question simply because our Monroe Doctrine and other policies have alienated the Latin Americans to such an extent as to make union with us the last thing they would choose. Another factor opposing political unification of the Americas is the existence of several English, French, and Dutch colonies in the hemisphere, which could scarcely be expected to join; as a matter of fact, these areas have never been invited even to send representatives to Pan-American meetings. More importantly, the Dominion of Canada, although in no sense a British colony, has traditionally held aloof from the Pan-American system.⁴ In recent years there have been indications of a possible shift of position in this regard, but at present Canada is outside of "Pan-America"; thus the term includes the United States and the other twenty independent states of the Western Hemisphere. On at least two recent occasions, in 1933 and 1938, inter-American conferences have discussed the possibility of inviting Canada to join the organization, but no such action was taken.

³ The following statement is a significant example of the old antipolitical point of view. It was made by Elihu Root, a strong supporter of Pan-Americanism, at the 1906 Rio conference: "According to your program . . . no political questions are to be discussed; no controversies are to be settled; no judgment is to be passed upon the conduct of any state." Quoted by Arthur P. Whitaker, ed., *Inter-American Affairs, 1941* (Columbia University Press, 1942), p. 12.

⁴ On reasons for nonaffiliation of Canada with the Pan-American movement, see *ibid.*, pp. 25-29; also *United States in World Affairs, 1948-49*, pp. 351-355.

Canada has, however, participated in some of the specialized conferences that dealt with matters of mutual interest to all the states of the hemisphere.

➤ *United States Leadership.* Although Latin America figured prominently among our external concerns in 1823 and thereabout, we were not basically interested in anything more than promoting our own self-defense. By the 1880's, however, the scene had changed. Our concern with an inter-oceanic canal, our growing financial interests, and our desire to quiet Latin American fears of our "imperialism" revived some measure of thought on our part of the possibilities of regularized inter-American relations in the economic sphere. As much out of a desire to facilitate trade and investment as for any other reason, Secretary of State James G. Blaine in 1881 invited all the independent American states to attend a conference in Washington for the discussion of commercial relations and of ways of preventing wars in the New World. Although several states accepted, the congress was never held, because Blaine resigned after the assassination of President Garfield. By an interesting quirk of fate, however, Blaine was again Secretary of State when, a few years later, Congress authorized the issuance of invitations for a similar conference, which actually met in Washington in 1889-1890. Delegates attended from all states except Santo Domingo.

➤ *Washington Conference, 1889-1890.* The agenda of this first International Conference of American States reflected ambitious schemes that have long since been abandoned as immediate or even ultimate goals of a Pan-American organization. Included were proposals for an American customs union; a standardized system of weights and measures; laws for the reciprocal protection of patents, trademarks, and copyrights; a common silver coin; and a general arbitration plan for the settlement of inter-American disputes. Latin American distrust of the United States showed itself at this conference, as it so often has done, and, although a number of conventions were approved, virtually none was ratified. The conference had only two important enduring results: the precedent for future periodic meetings, and the creation of the International Union of American Republics, with Washington headquarters known as the Commercial Bureau of the American Republics. Both names have been altered in the meantime, and the present equivalents are the Organization of American States⁵ and the Pan American Union, respectively. The next general conference was not held until 1901, and that is the justification for the statement previously made that the movement is mainly a product of the present century. The conferences held since the first in Washington in 1889-1890 have met as follows: the second in Mexico City (1901-1902); the third

⁵ Since 1948 this has been the official name, but the Organization is still frequently referred to as the Pan American Union. Properly speaking, the latter name refers only to the headquarters secretariat, in Washington, D. C.

in Rio de Janeiro (1906); the fourth in Buenos Aires (1910); the fifth in Santiago de Chile (1923); the sixth in Havana (1928); the seventh in Montevideo (1933); the eighth in Lima (1938); and the ninth in Bogotá (1948). In addition there have been literally scores of other conferences on specialized or technical subjects.

MACHINERY OF THE ORGANIZATION OF AMERICAN STATES

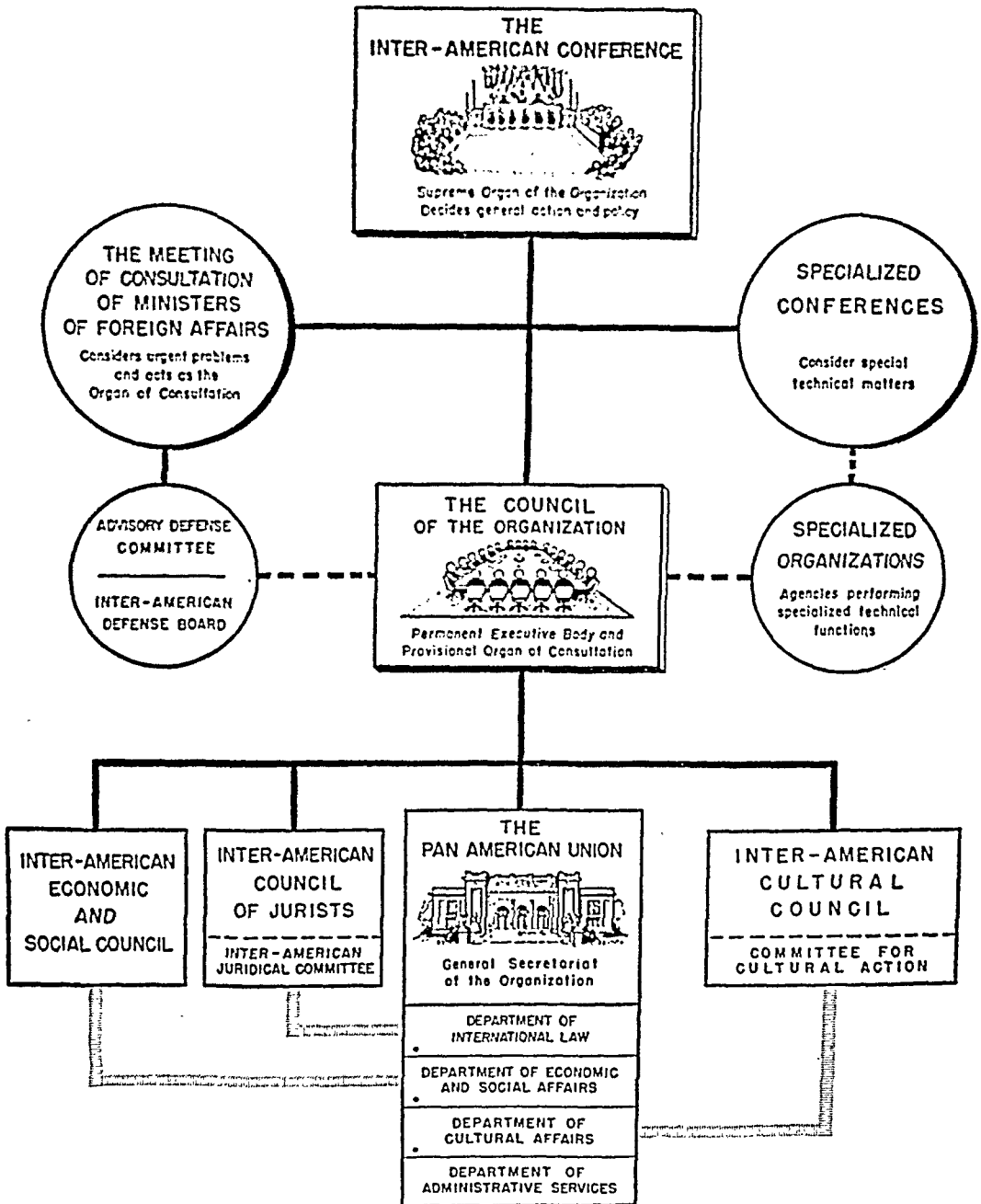
The machinery of the Organization of American States may be best described by reference to the Bogotá Conference, since it was there revised in important respects.⁶ The Charter of the Organization, which is the constitution adopted at Bogotá, after making the usual obeisances to "American solidarity" and the democratic institutions of the New World, provides that the Organization is to be a regional agency within the United Nations⁷ and that it shall have the general functions of strengthening the peace and security of the continent, providing means of pacific settlement of disputes and of common action against aggression (since an act of aggression against one member state is declared to be an attack upon all); and promoting cooperative solutions of the economic, legal, social, and cultural problems that arise in and among the member states. The Organization is broken down by the Charter into six elements: the Inter-American Conferences (formerly called the International Conferences of American States), the Consultative Meetings of Ministers of Foreign Affairs, the Council, the Pan American Union, the Specialized Conferences, and the Specialized Organizations.

► *The Inter-American Conferences.* The Inter-American Conference, says the Charter, "is the supreme organ of the Organization of American States. It decides the general action and policy of the Organization and determines the structure and functions of its organs, and has the authority to consider any matter relating to friendly relations between the American States." It is a full-dress diplomatic conference, meeting normally once in five years, with each state having one vote. Treaties of considerable importance have been negotiated at these conferences; detailed reference will be made to some of

⁶ A summary of the activities of this conference, and the text of the Charter of the O.A.S., are conveniently available in William Sanders, "Bogota Conference," *Int. Concil.*, No. 442, June 1948. A good summary of the resolutions adopted at Bogotá is in *United States in World Affairs, 1948-49*, pp. 355-374. The Bogotá Charter is the first real written constitution that the O.A.S. has ever had. The Carnegie Endowment for International Peace has published two volumes that should be seen by anyone interested in the O.A.S.: *The International Conferences of American States, 1889-1921* (Washington, 1931), and the *First Supplement, 1933-1940* (Washington, 1943). In these volumes are reprinted the texts of all relevant treaties, resolutions, and other documents adopted by the Inter-American conferences. In the following pages references are made to *International Conciliation* rather than to the books, on the assumption that it may be more readily available.

⁷ The UN General Assembly in 1948 resolved "... that the Secretary-General be requested to invite the Secretary-General of the O.A.S. to be present as an observer of the sessions of the General Assembly." *Yearbook of the United Nations, 1948-1949* (United Nations, Lake Success, 1950), p. 976.

ORGANIZATION OF AMERICAN STATES



• The Directors of these Departments are the Executive Secretaries of the respective Councils

them later. In addition each conference usually adopts numerous resolutions or declarations with moral, but not legal, binding force.

► *Meetings of the Foreign Ministers.* If an international organization is to settle disputes among members, it must have some machinery prepared to function on very short notice. Such is the "Meeting of Consultation of Ministers of Foreign Affairs," to give its full and cumbersome title. It is designated as the Organ of Consultation by the Bogotá Charter, and it may meet at any time upon approval of the request of any member by a majority vote at a session of the Organization Council. Article 43 of the Charter provides that

In case of an armed attack upon the territory of an American State or within the region of security defined by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Council of the Organization, who shall at the same time call a meeting of the Council itself.

Three meetings of Foreign Ministers were held in the course of World War II, and others have been held since; these will be discussed later.

► *The Council.* The executive committee of the Organization of American States is the Council to which incidental reference has already been made.⁸ It is composed of one representative from each of the twenty-one member states, specially appointed with the rank of ambassador for this function. Since the seat of the Organization is in Washington, the Charter continues authorization of what had been the established practice, which permitted the member states to designate as Council members their regular diplomats accredited to the government of the United States. Here one may take note of a situation that long caused difficulty and increased the antipathetic feeling of many Latin American countries toward the United States: it had in years gone by (until 1923) been required that the Council members be those diplomats who were stationed in Washington. Although this was normally merely a matter of convenience and economy, it led to the unfortunate denial of a Council seat to those governments which at a given moment were not recognized by the United States and which consequently had no diplomatic representation in Washington. Under the present arrangement the United States may not, by its recognition policy, deny a place on the Council to any member state, since the representative to the Council need not be the regular accredited diplomat.

The Council is an extremely important gear in the Organization's machinery. In addition to having various special duties that may from time to time be assigned by the Inter-American Conferences, the Council is responsible for supervision of the Pan American Union; for preparing the agenda and making physical arrangements for meetings of the Conferences

⁸ Prior to the revisions of 1948, the Council was known as the Governing Board of the Pan American Union.

Educational, Scientific and Cultural Organization (UNESCO), the Inter-American Cultural Council is designed to promote inter-American friendship and understanding through the advancement of educational and intellectual interchange. This likewise is an old function in new clothes. This agency is charged with collection and dissemination of information on cultural activities of both public and private national bodies, promotion of basic educational programs in all American countries, preservation and increase of the cultural heritage of the hemisphere, encouragement of education looking toward peaceful international understanding, and promotion of exchange of specialists, students, teachers, and others. The permanent (executive) committee of the Cultural Council is the Committee for Cultural Action, with five members representing as many states; the states are to be chosen at each Inter-American Conference, and the individuals will be selected by the Cultural Council from panels submitted by each of the five states. The Council of the Organization is empowered to fill interim vacancies in this committee, as it does in the Jurists' permanent committee.

➤ *The Pan American Union.* We come next to that agency known officially as the Pan American Union, which is the general secretariat of the whole Organization.¹⁰ The Union's functions are typical of the secretariat of any large international body: it assists in the preparation of the agenda for the various official meetings, provides technical assistance to any member state, acts as custodian of official documents and depository for instruments of ratification of the numerous treaties negotiated through the Organization, and carries on numerous other activities in research, publication, and public relations. The Union is under the administrative direction of the Secretary General (formerly known as the Director General), who is chosen by the Council for a ten-year term under the proviso that he shall not be re-elected or be followed by another of the same nationality. He serves as the legal representative of the Pan American Union. Subordinate to him is an Assistant, who is also chosen by the Council for a ten-year term but who is re-eligible. Both may be removed by two-thirds vote of the Council.

The Secretary General establishes, subject to Council approval, those technical offices of the Union which are necessary to enable it to perform its functions, and, subject to the same control, he provides and directs the staff. Although efficiency and integrity are the primary criteria by which personnel are to be chosen, the Charter requires that as wide as possible a geographic distribution of appointees be attained. Employees of the Union are to be truly international civil servants in that the Organization Charter, like the UN Charter, requires that they shall neither seek nor receive instructions from

¹⁰ A rather comprehensive description of the functions of the Union will be found in *ibid.*, pp. 332-348. It is housed in the Pan American Union Building in Washington, which was built in 1908-1910, mainly at the expense of Andrew Carnegie. Carnegie had been a delegate to the 1889-1890 conference, which had first established the O.A.S.

any government or other authority outside the Union, that their conduct shall not be such as to reflect upon their international status, and that the member governments pledge themselves not to seek to influence the personnel in the discharge of their duties.

➤ *Specialized Conferences and Agencies.* The last pair of organs recognized by the Charter are the conferences and associations established to serve myriad purposes, only a few of which can be mentioned here. There is, for example, the Pan American Sanitary Bureau and Conference; set up first in 1902 to regulate international quarantines, it has since blossomed forth with much research and promotion in the public-health field.¹¹ There are conferences of jurists, scientists, geographers, historians, teachers, newspapermen, and people interested in specific commodities, such as coffee, cotton, or dairy products.¹² The size of the operations of these specialized organizations may be gauged roughly from the fact that well over 200 specialized international conferences have been held under the auspices of the Organization since the time of the Washington Conference of 1889-1890.¹³ There has long been a crying need in many areas of Latin America for better health and education services and improved agricultural methods, and at least some of these needs are being supplied by Organization agencies, as well as by such branches of the United States government as the wartime Coordinator of Inter-American Affairs and its subsidiary, the Institute of Inter-American Affairs.¹⁴

FUNCTIONS OF THE ORGANIZATION OF AMERICAN STATES

➤ *Conciliation and Arbitration.* For ages past the idea of providing a peaceful means of solving international disputes has been in the minds of men, but attainments have never measured up to aspirations. However, nations, like men, accomplish nothing that they do not attempt, and intergovernmental organizations persist in the hope of being able to provide means of conciliation and arbitration that can take the place of war. The Organization of American States has been no exception. Even before 1930 there had been concluded some 250 arbitration treaties among American states, including treaties of both general and special application. It is true that many of them were not ratified,

¹¹ See A. A. Moll, *The Pan American Sanitary Bureau: Its Origin, Development and Achievement* (Washington, 1948), Publication No. 240 of the PASB; also PASB Publication No. 236: *Pan American Sanitary Agreements, 1948* (Washington, 1948).

¹² Twenty-six such conferences are listed by Laurence Duggan, *The Americas: The Search for Hemispheric Security* (Holt, 1949), pp. 229-230.

¹³ See Masters, *op. cit.*, for histories and descriptions of more than 100 public and private organizations that operate on an international basis in this hemisphere.

¹⁴ On these matters, see Duggan, *op. cit.*, pp. 7-42; Edward O. Guerrant, *Roosevelt's Good Neighbor Policy* (University of New Mexico Press, 1950), pp. 115-134; Donald W. Rowland, *History of the Office of the Coordinator of Inter-American Affairs* (GPO, 1946); A. P. Whitaker, ed., *Inter-American Affairs*, annual volumes for 1941-1945 (Columbia University Press); and the very useful documents reprinted by Norman Hill in *International Relations: Documents and Readings* (Oxford University Press, 1950), pp. 113-118; 168-173; 342; 381-384; 427-431; 452-455; 518-519; 523-525.

but their very conclusion was an indication of the determination of the negotiators.¹⁵ The conclusion of an arbitration treaty was one of the objects of the ineffective Panama Congress of 1826 and of other meetings in succeeding decades.

When Secretary of State Blaine called the 1881 meeting he noted that the President wished to have prime attention directed to ways and means of preserving peace in the Americas. Although, as previously noted, this congress was never held, the first real Inter-American conference, in 1889, did adopt a convention calling for obligatory arbitration of disputes concerning boundaries, territories, indemnities, treaty construction and enforcement, and diplomatic and consular privileges. It further declared that "The Republics of North, Central and South America hereby adopt arbitration as a principle of American international law for the settlement of the differences, disputes or controversies that may arise between two or more of them."¹⁶ This treaty was signed by eleven states, including the United States, but it lapsed by reason of failure of ratification. Like many another, it came to grief in the United States Senate.¹⁷ The second conference (Mexico City, 1901-1902) produced a Treaty on Compulsory Arbitration, ratified by six states, and a Treaty of Arbitration for Pecuniary Claims, ratified by nine.¹⁸

The third conference (Rio de Janeiro, 1906) resolved that the members' delegations to the second Hague Peace Conference (1907) be instructed to support the movement for a general arbitration convention. It also adopted a Convention on International Law, under which the International Commission of Jurists was set up; this body held its first meeting in Rio in 1912, but for various reasons it did not actually function until 1927. Arbitral or judicial settlement has long been hampered by the fact that international law is often laid down in the decisions of national courts, which are apt to betray a national bias; it is difficult to see how judicial settlement can develop properly unless there is in existence a body of definite law to which advance agreement of the nations has been obtained. It has been the function of the International Commission of Jurists to provide direction and coordination in this task of codification.¹⁹

¹⁵ C. E. Hughes, *Our Relations to the Nations of the Western Hemisphere* (Princeton University Press, 1928), pp. 85-86. Here also is quoted a statement by J. B. Moore, from his *Digest of International Law* (GPO, 1906), Vol. VII, p. 71, to the effect that "... during the nineteenth century there were 84 international arbitrations to which an American nation was a party. In 40, or nearly one-half, of these the other party was a European power, the arbitrations between American nations being 44. To about two-thirds of these the United States was a party, the number of arbitrations between other American powers being 14."

¹⁶ Quoted by Carlos Davila, "The Montevideo Conference," *Int. Concil.*, No. 300, May 1934, p. 123.

¹⁷ See Hughes, *op. cit.*, pp. 91-93, especially p. 93, where he states that "it does not appear that the treaty was ever called up for consideration in our Senate." On inter-American arbitral attempts in general, see *ibid.*, pp. 85-112; J. B. Moore, *op. cit.*, Vol. II, pp. 71-73.

¹⁸ Davila, *op. cit.*, p. 123.

¹⁹ On attempts at codification, see Samuel F. Bemis, *The Latin American Policy of the United States* (Harcourt, Brace, 1943), pp. 232-255. The functions of the International

Much progress toward an inter-American system of pacific settlement was made at the fifth International Conference of American States, held at Santiago, Chile, in 1923, with the adoption of the Treaty to Avoid or Prevent Conflicts between the American States, better known as the Gondra Treaty. In due course it was ratified or adhered to by the great majority of American states. It attempted to bring within the scope of arbitration disputes that arose from whatever cause, and it further provided for the establishment of commissions of inquiry to function upon the outbreak of controversies. The method employed was to set up diplomatic commissions at Washington and Montevideo, each composed of the three senior diplomatic representatives from the American states who were stationed there, and to entrust to them the appointment of the specific commissions of inquiry on the request of any signatory in case of dispute among two or more member nations. Although it was advantageous to have provision thus made for fact finding, since the first step in the settlement of any dispute is likely to be establishing definitely what acts have occurred, these commissions were given no power to go beyond investigation. They had no authority to suggest possible lines of settlement for the dispute in question.

The Havana Conference of 1928 accomplished nothing in this connection beyond providing for the calling within a year of a conference on the specific subject of conciliation and arbitration, which actually met in Washington in December 1928 and January 1929. From this meeting resulted three documents: (1) the General Convention of Inter-American Conciliation, by which disputes not settled diplomatically would be submitted to conciliation, and by which the Gondra Treaty commissions of inquiry were given the additional status of commissions of conciliation; (2) the General Treaty of Inter-American Arbitration, by which the parties agreed to submit to arbitration any juridical disputes that had been found insusceptible to diplomatic settlement;²⁰ and (3) the Protocol of Progressive Arbitration, by which any party at a later date could indicate its abandonment of earlier reservations to its ratification of the General Treaty of Inter-American Arbitration. All three of these agreements have been ratified by at least a majority of the twenty-one American states. The results of the Washington meeting turned out to be more satisfactory than had been initially anticipated by many of the delegates.²¹

Commission of Jurists and of several other agencies working on codification are briefly described in Masters, *op. cit.*, pp. 36-46, 163-169. See also Chapter 21 of the present volume, where the UN's approach to the problem of codification is discussed.

²⁰ "Juridical disputes" were defined as those involving the interpretation of a treaty, points of international law, determination of breaches of international obligations, and the extent of reparations to be made. It will be recognized that these are the same ones treated in Article 36 of the Statutes of the Permanent Court of International Justice and of the International Court of Justice. See Chapter 21, below.

²¹ See Davila, *op. cit.*, pp. 125-126; J. B. Scott, *The International Conference of American States, 1889-1921* (Carnegie Endowment for International Peace, Washington, 1931), pp. 455-468.

At the seventh International Conference of American States, held in Montevideo in 1933, the machinery of conciliation was strengthened. The Conference designated the two Gendra diplomatic commissions as "Permanent Diplomatic Commissions of Investigation and Conciliation." Replacing the former provision for the creation of *ad hoc* commissions of inquiry and conciliation after the outbreak of a dispute,²² this agreement specified that at the time of its ratification each state would appoint two delegates who would thus be designated in advance as commission members. These names would be certified to the Pan American Union, the Council (then "Governing Board") of which was charged, when a bilateral dispute arose, with the responsibility of bringing about the nomination of a fifth member.

Another resolution of the Montevideo Conference, indicating general awareness of the tendency of quarreling nations to cast a jaundiced eye on "interference," however well intentioned, of a neutral would-be conciliator, specified that "it shall never be deemed an unfriendly act for any State or States to offer good offices or mediation to other States engaged in a controversy threatening or rupturing their peaceful relations, to the end that such differences may be so composed as to avoid recourse to or to end measures of force between the differing States."²³ The concept of a proffer of good offices was institutionalized at the Buenos Aires Conference for the Maintenance of Peace, in 1936, when the Inter-American Treaty on Good Offices and Mediation was adopted, providing for recourse to the good offices or mediation of an eminent citizen of another American country in the event of a dispute not settled diplomatically. It directed that each state name two eminent jurists to a panel of potential mediators, from which one man would be chosen by joint consent. This individual would hear representatives of the two contending parties and attempt with them to work out a peaceful settlement; but if no solution could be reached within six months the parties would resort to other conciliation procedures provided for in existing agreements.²⁴

These are the attempts which the Organization of American States has made to provide for conciliation and arbitration as such; other means of preserving the peace, developed in and after World War II, will be discussed

²² An *ad hoc* commission is one set up for the discharge of a specific duty, such as conciliation or mediation. Its most obvious weakness is the likelihood of a state's attempting to "pack" it by naming national members of the commission after a dispute has arisen and tempers have flared. The term is also used more generally for any body set up to handle one specific problem. In an effort to avoid the weakness mentioned above, the Hague Court of Arbitration was composed of a panel of jurists (four per participating state) nominated in advance of controversy, from which actual arbitrators would be chosen when the case was submitted to the Court. The Montevideo arrangements of 1933 had a similar motive.

²³ Texts of the Montevideo actions will be found in *Report of the Delegates of the U.S.A. to the Seventh International Conference of American States*, Dept. St. Publ. No. 666 (GPO, 1934), pp. 162-164, 244-245. See also Davila, *op. cit.*, pp. 127-129.

²⁴ See "The Inter-American Conference for the Maintenance of Peace," *Int. Concl.*, No. 328, Mar. 1937, pp. 224-225.

shortly. It should be added that many, and in some cases most, of the American states have joined with their European counterparts in such agencies or treaties as the League of Nations, the United Nations, the Hague Court of Arbitration, the Kellogg-Briand Pact, and the International Court of Justice. Some of these lie outside the scope of the present book; the others will be dealt with in later chapters.

➤ *Diplomatic Consultation in the Event of War.* Chronologically the first step in the settlement of the usual international dispute is not that of mediation or arbitration but rather that of discussion between the Foreign Offices concerned, through the medium of their diplomatic representatives. This process may solve some problems by the exchange of only one or two notes; but sometimes the negotiations may drag out for years. It is in the latter instance that resort to mediation or arbitration is likely. There is, however, a third avenue of approach: a contribution to the settlement of a dispute may be made by a general conference including representatives of numerous powers; within the past two decades the Organization of American States has progressed along this line.

Although the periodic Inter-American Conferences may provide opportunity for informal hotel-room negotiations concerning a particular dispute that happens to exist at the moment, their primary function is more general, in that they are the legislative rather than the executive branch of the Organization's machinery. Meetings of Foreign Ministers, on the other hand, can convene on short notice, without the elaborate organization and protocol of a formal conference; treaties concluded here will have, once ratified, every bit the binding force of those which emerge from major conferences, but their negotiation is much faster and simpler.

The story of this type of collaboration begins with the Inter-American Conference for the Maintenance of Peace, which met at Buenos Aires, Argentina, in December 1936. Early in the same year President Roosevelt had officially suggested that "an extraordinary Inter-American Conference be summoned to assemble . . . at Buenos Aires . . . to determine how the maintenance of peace among the American Republics may best be safeguarded."²⁵ Not only did Roosevelt take the lead in calling the conference but he contributed greatly to its prestige by personally addressing its opening session. He also utilized this opportunity to pay state visits to Rio de Janeiro and Montevideo; this was the first time that an incumbent President of the United States had come to these countries. The purpose of all this attention, apart from the Conference itself, was manifestly to impress upon South Americans that under the Roosevelt administration the Good Neighbor policy was to be something more than the

²⁵ See "The Inter-American Conference for the Maintenance of Peace," *Int. Concil.*, No. 328, Mar. 1937, p. 197. This pamphlet contains material on the background of the Conference, as well as the texts of noteworthy speeches and of official treaties and resolutions adopted at Buenos Aires.

honeyed words that had periodically in the past emanated from the United States and that had been realistically discounted by the other Americas. This impression was heightened by the caliber of the United States delegation, for it included, in addition to several ranking diplomats, Secretary of State Cordell Hull and one of the primary architects of the Good Neighbor policy, Assistant Secretary Sumner Welles. Thus did the United States demonstrate the sincerity of its purpose; an ordinary conference would not have drawn so distinguished a delegation.

The documentary product of this conference included an important declaration in the Convention for the Maintenance, Preservation and Reestablishment of Peace. Article 2 was especially significant:

In the event of war, or a virtual state of war between American states, the Governments of the American Republics represented at this Conference shall undertake without delay the necessary mutual consultations, in order to exchange views and to seek, within the obligations resulting from the pacts above-mentioned [the Pact of Paris of 1928 and the Inter-American Treaty of Non-Aggression and Conciliation of 1933] and from the standards of international morality, a method of peaceful collaboration; and, in the event of an international war outside of America which might menace the peace of the American Republics, such consultation shall also take place to determine the proper time and manner in which the signatory States, if they so desire, may eventually cooperate in some action tending to preserve the peace of the American Continent.

Two things are noteworthy here: in the first place, the treaty assumes the demise of the old unilateral interpretation of the Monroe Doctrine, in that threats to the Americas are no longer assumed to fall within the exclusive competence of the United States; and in the second place, although the agreement might apply primarily to a war within the Americas, the possibility was also recognized of invoking the treaty in a war of European origin. Although such a war was not to break out for nearly three years, the contemporary activities of Hitler and Mussolini were casting their shadows over the thinking of foresighted statesmen. The portent of war was seen in another treaty adopted on the same day as the aforementioned Convention, by which the signatories bound themselves to neutrality in case of war, whether of European or American origin. In view of events of five years later it was fortunate that the United States at this early date was initiating and undertaking such pledges, since their very date precluded the allegation that otherwise might well have been made, that we were simply rallying the Latin American states so that they might pull our chestnuts out of the fire.

Two years later, at the end of 1938, the eighth International Conference of American States met in Lima, Peru, and continued the development of consultative machinery. By this time the threat of a new world war was far

clearer than it had been at Buenos Aires: Hitler had reconstituted the German General Staff; the Rhineland had been remilitarized; *Anschluss* with Austria was complete; the Munich deal had been consummated, with the consequent encirclement of Czechoslovakia; Mussolini had succeeded in his rape of Ethiopia; foreign intervention in the Spanish civil war was a known fact; and in the preceding year Japan had renewed its aggression in North China. The Axis was clearly on the march, and for all practical purposes such postwar attempts to preserve the peace as the League Covenant, the Locarno treaties, and the Kellogg-Briand Pact were defunct. Only the blindest optimist could now ignore the imminent danger of war originating in Europe but almost certainly destined to affect the whole world.

It was, therefore, something more than the customary diplomatic verbiage for the states represented at Lima to adopt the Declaration of Lima, by which they reaffirmed their continental solidarity and maintained that:

... in case the peace, security, or territorial integrity of any American Republic is thus threatened by acts of any nature that may impair them, they proclaim their common concern and their determination to make effective their solidarity, coordinating their respective sovereign wills by means of the procedure of consultation, established by conventions in force and by declarations of the Inter-American Conferences, using the measures which in each case the circumstances may make advisable. It is understood that the Governments of the American Republics will act independently in their individual capacity, recognizing fully their juridical equality as sovereign States.

Fourth. That in order to facilitate the consultations established in this and other American peace instruments, the Ministers for Foreign Affairs of the American Republics, when deemed desirable and at the initiative of any one of them, will meet in their several capitals by rotation and without protocolary character. Each Government may, under special circumstances or for special reasons, designate a representative as a substitute for its Minister for Foreign Affairs.²⁶

Thus was provision made for wartime consultation when and if needed. Unfortunately the need arose shortly.

In August 1939, only eight months after the adoption of the Declaration of Lima, the Russo-German Non-Aggression Pact was announced. The latter freed Hitler at least for the time being from the fear of an attack from the east and allowed him to proceed with his expansionist plans. On September 1 his armies began the Polish blitz, and two days later formal declarations of war made it official. On September 12 the Inter-American consultative machinery

²⁶ The full text of this Declaration is in "Eighth International Conference of American States," *Int. Concil.*, No. 349, Apr. 1939, pp. 242-243. Other treaties and acts of the Lima Conference are to be found in the same publication. See also *Docs. Am. For. Rels.*, 1938-1939, pp. 44 ff.

was set in motion by the United States with a request to the Council of the Organization of American States²⁷ to call a meeting of the Ministers of Foreign Affairs, and on September 23 a ten-day "Consultative Meeting of Foreign Ministers of the American Republics" was held in the City of Panama.²⁸

Among the several resolutions and declarations adopted at Panama, a few should be mentioned. The Foreign Ministers reaffirmed the declaration of solidarity proclaimed at Lima and stated their intention to preserve American peace. They proclaimed "their unanimous intention not to become involved in the European conflict" and reiterated "the status of general neutrality of the American republics." They agreed that their states should prevent their territory from being used as bases for belligerent operations and that their nationals should be restrained from unneutral acts. They established, for the duration of the war, an Inter-American Neutrality Committee (to be composed of seven prominent international-law experts appointed by the Council of the Organization) and entrusted to it the task of formulating recommendations with respect to the emerging problems of neutrality. They appealed to the belligerents to accomplish the impossible, namely, to "humanize" warfare. They created an Inter-American Financial and Economic Advisory Committee, to consist of an expert economist from each member state, and authorized it to study and make recommendations on the monetary and commercial dislocations that could be expected to stem from the war.

All these actions manifestly were founded on the assumption that the war would stay in Europe and not directly touch American shores. This desire to maintain neutrality was evident in the best-known product of the meeting, the Declaration of Panama, by which a Security Zone was established around the twenty-one countries. Starting with the Canadian boundary at the northeast corner of the United States, a line running from 300 to 1000 miles offshore was drawn southward, generally following the shore line of the United States, Central and South America, and then northward along the west coast until it met the western Canadian boundary.²⁹ The Foreign Ministers agreed that the American republics were "as of inherent right" entitled to have this zone remain "free from the commission of any hostile act by any non-American belligerent nation," and that they would jointly and individually endeavor to obtain the compliance of the belligerents with this declaration. They also gave the altogether unnecessary authorization to any country to patrol its own coasts within the Security Zone, as it presumably would have done to the best of its ability in any case.

²⁷ Actually the request was made to the Governing Board of the Pan American Union, but the terminology as revised at Bogotá in 1948 has been substituted here.

²⁸ For texts of resolutions adopted at this meeting, see *Docs. Am. For. Rels.*, 1939-1940, pp. 93-139; also *Int. Concil.*, No. 356, Jan. 1940.

²⁹ The text of the Declaration of Panama is found in *Docs. Am. For. Rels.*, 1939-1940, pp. 115-117. See *United States in World Affairs*, 1939, p. 203, for a map portraying the Security Zone; see *ibid.*, pp. 189-211, on the Panama meeting in general.

It is obvious that most of these measures were in the category of wishful thinking. Even in 1939, anyone whose memory carried him back to World War I could confidently have predicted that neutrality would be respected in another war, as it was in the first, only to the extent that the belligerents found it useful and the neutrals found it enforceable. That no twenty-one nations can dictate what shall happen on the high seas was demonstrated by the *Graf Spee* episode, in December 1939, when an Anglo-German naval battle was fought at least in part within the territorial waters of Uruguay.³⁰

Thinking of the fact that Britain, France, and the Netherlands had colonies in the Caribbean region, and obviously concerned over the possibility of those homelands' being overrun by the Nazis, the Foreign Ministers resolved

That in case any geographic region of America subject to the jurisdiction of any non-American state should be obliged to change its sovereignty and there should result therefrom a danger to the security of the American Continent, a consultative meeting such as the one now being held will be convoked with the urgency that the case may require.

Implementation of this resolution was yet to come. In passing it should be noted once more that a revolution had truly been wrought in the foreign policy of the United States when its diplomats could approve such a statement as this without even a passing nod to President Monroe and his Doctrine. Furthermore, in June 1940 a joint resolution with the obvious intent of expressing approval of the Panama meeting passed Congress, declaring that the United States would not recognize any transfer of any territory in this hemisphere from one non-American power to another. Furthermore, the new no-transfer principle was officially conveyed by the State Department to the governments of Germany, Italy, France, the Netherlands and the United Kingdom; and in April 1941, as though to make sure that there could be no lack of clarity in anyone's mind as to our position in the matter, Congress again passed the no-transfer resolution.³¹

That the orthodox conception of the Monroe Doctrine had passed into limbo may be demonstrated by the following portion of a speech in which Secretary of State Hull addressed himself to the problem of the disposition of the European colonies in this hemisphere:

Any effort . . . to modify the existing status of these areas—whether by cession, by transfer, or by any impairment whatsoever in the control heretofore exercised—would be of profound and immediate concern to *all the American Republics*.

It is accordingly essential that we consider a *joint approach to this common problem*. . . . It has been suggested that our action take the form of the establishment of a *collective trusteeship, to be exercised in the name of all of the American Republics. The Government of the United States*

³⁰ See Guerrant, *op. cit.*, pp. 146-147; *Docs. Am. For. Rels.*, 1939-1940, pp. 121-130.

³¹ See *Docs. Am. For. Rels.*, 1939-1940, pp. 89-93; *ibid.*, 1940-1941, pp. 94-96.

*endorses this suggestion . . . and is prepared to cooperate, should occasion arise, in its execution.*³²

Shades of Monroe, Polk, and Olney! Secretary Hull was speaking in July 1940, in Havana, to the second consultative meeting of the Ministers of Foreign Affairs. At this meeting numerous resolutions were adopted involving the prevention of Axis subversive activity in the member states. The ministers recommended the prohibition of Axis propaganda and organizational activity; condemned hostilities within the Security Zone, such as had taken place in the *Graf Spee* episode; and declared that "any attempt on the part of a non-American State against the integrity or inviolability of the territory, the sovereignty, or the political independence of an American State shall be considered as an act of aggression against the States which sign this declaration" and should give rise to immediate consultation.³³ Thus was the no-transfer principle of the Monroe Doctrine Pan-Americanized.

What could have been an extremely important treaty, had events demanded its enforcement, was the Convention on the Provisional Administration of European Colonies and Possessions in the Americas, drafted at this Havana meeting. Briefly, it provided that, since any transfer of sovereignty of a European colony in this hemisphere would be dangerous to hemispheric defense, joint action should be taken to prevent it. It also called for the establishment of an Inter-American Commission for Territorial Administration, which would, if necessary, take over the administration of any such European colony and govern it as long as the situation required.³⁴ In these days, when the unanimity rule induced by absolute state sovereignty plagues international cooperation, it is notable that this treaty was to come into force when ratified by two thirds of the American republics, and that the Commission was to function by a like vote.

Although France had fallen to the Nazi invader a few weeks prior to the Havana meeting and the problem of the fate of the French colonies in the Caribbean was therefore especially acute, it is a matter of record that the danger anticipated by the Foreign Ministers never became a reality, and that therefore the convention was never invoked. United States troops were indeed

³² Italics added. Text in "Second Meeting of Ministers of Foreign Affairs of the American Republics," *Int. Concil.*, No. 362, Sept. 1940, p. 270.

³³ *Docs. Am. For. Rels., 1940-1941*, p. 76. Note the similarity of this declaration to the responsibility undertaken in the North Atlantic Treaty, which was not signed until nearly nine years later.

³⁴ *Docs. Am. For. Rels., 1940-1941*, pp. 85-90; see also *ibid.*, 1939-1940, pp. 93-95. The treaty was ratified by the United States in October 1940 and came into force in January 1942, upon having been ratified by the requisite fourteen states. See *ibid.*, 1941-1942, p. 332. See also *Int. Concil.*, No. 362, Sept. 1940, pp. 293-295, 305-311. Influence of the League of Nations mandate system was evident in these arrangements, which also in some degree forecast the United Nations trusteeship system.

sent to Surinam (Dutch Guiana) in November 1941, but this action was taken in order to protect the bauxite mines there rather than to enforce the above-mentioned treaty.³⁵

Both meetings of the Foreign Ministers took place under the shadow or actual impact of war; but up to this point the American states had preserved their neutrality, and their actions were taken with a view to the maintenance of the *status quo*. In this connection, however, a rift in inter-American solidarity became apparent. Latin American states have never been altogether confident that the word of the United States could be taken at face value, and from their standpoint this skepticism was reinforced by the actions of the United States in becoming, during 1940 and 1941, the "arsenal of democracy." Although nominally neutral vis-à-vis Europe, we had actually been anti-German in various ways, as indicated in an earlier chapter; this was especially clear in the passage and implementation of the Lend-Lease Act of March 1941. To many Latin Americans our position could not be reconciled with the Panama and Havana declarations of neutrality.³⁶ Although a potentially dangerous inter-American disagreement was in the making, it was of course wiped out by the evening of December 7, 1941, for by that time millions of erstwhile neutral isolationists had been transmuted, willy-nilly, into belligerent interventionists.

After Pearl Harbor, involving as it did an attack by a non-American state against American territory, the declaration of solidarity against aggression adopted at Havana confronted all American states with the fact of war. This declaration was now invoked to call Latin America to the defense of the United States, and on the whole it rallied loyally. Not the least interesting development in this connection was that Costa Rica declared war on Japan even before the United States did so. Within a week after December 7, nine Latin American states were formally at war with the Axis.³⁷

Under the new circumstances a third session of the Foreign Ministers was in order, and one met at Rio de Janeiro in January 1942, at the request of the United States. There was now no talk of neutrality; this was a council of war, and the resolutions adopted showed it. Of military as well as psychological importance was the Foreign Ministers' reaffirmation that an act of aggression against one of their nations was equivalent to an attack upon all of them, since it constituted a threat to their solidarity and their individual independence. This resolution was coupled with a recommendation that all American states break off diplomatic relations with Japan, Germany, and Italy because of their

³⁵ In 1940, the total production of bauxite in the United States amounted to 435,000 long tons, and another 630,000 tons were imported. Of the latter figure, 536,000 tons of this strategic raw material came from Surinam; this indicates the wisdom of sending troops to protect that colony. See Whitaker, ed., *Inter-American Affairs, 1941*, p. 43.

³⁶ See *ibid.*, 1942, pp. 6-7.

³⁷ All nine were in the Caribbean region: Costa Rica, Cuba, Dominican Republic, Guatemala, Haiti, Honduras, Nicaragua, Panama, and El Salvador. See *ibid.*, 1941, p. 70.

attacks and declarations of war on the United States.³⁸ The new atmosphere was demonstrated in September 1942, when by agreement with the government of Ecuador the United States established one naval station on Ecuador's west coast and one in its Galapagos Islands. This time no one talked about "Yankee imperialism"; realization evidently was general that the agreement and subsequent action were in the interest of the common defense, and that if the United States and the Panama Canal were not secure, no one else in the hemisphere was.

Beyond this, the Rio conference recommended the severance of all direct and indirect commercial relations with Axis countries; prevention of Axis espionage, sabotage, and subversion; strict control of enemy aliens; coordination of American police, intelligence, and counterespionage activities; increased production of strategic materials; mobilization of communication and transportation facilities; and consultation among the republics whenever there was reason to anticipate a breach of agreement by an American state that might disturb the peace or solidarity of the hemisphere. One resolution may be expected to have been music to the ears of the American delegation: "the principle that international conduct must be inspired by the policy of the good neighbor is a norm of international law of the American continent." Still other resolutions approved the Atlantic Charter, urged support of the Red Cross, and changed the name of the Inter-American Neutrality Committee (created at the 1939 meeting in Panama) to the Inter-American Juridical Committee. In addition to continuing to work on the codification of international law, the Juridical Committee was commissioned to study the legal problems arising from the war in such matters as neutrality, contraband, and claims arising from the requisition of private merchant vessels. Taking a still longer view toward the postwar world, the Foreign Ministers entrusted to this committee the task of formulating recommendations relative to political and legal international organization.

No formal request was made at Rio that American states declare war on the Axis, although, as noted above, several of them had already done so. Others followed suit in later months, so that by January 1943 all except Argentina had either declared war or at least broken diplomatic relations with the Axis countries. In spite of the Rio commitments, Argentina maintained a "strict neutrality," which as a matter of fact gave great aid and comfort to the Axis and was the cause of much inter-American recrimination; not until the shooting in Europe was almost over, in late March 1945, did Argentina declare war.³⁹

³⁸ For texts of documents adopted at this meeting, see *Docs. Am. For. Rels., 1941-1942*, pp. 290-329. The United States and Mexico wished to require the rupture of diplomatic relations with the Axis, but because of Argentine opposition the resolution was watered down so as only to recommend it.

³⁹ See *United States in World Affairs, 1945-47*, pp. 206, 211; *Docs. Am. For. Rels., 1944-1945*, pp. 753-755. A tabular presentation of the dates of American ruptures of

Although there was this chink in the armor, the record of hemispheric cooperation was far better than in World War I, when only eight Latin American countries declared war on the Central Powers. The great increase in collaboration during the second war is doubtless evidence of at least some success for the Good Neighbor policy. The Rio session was the last wartime meeting of the Foreign Ministers. The problem of pre-emptive administration of European colonies to keep them out of Nazi hands never came to a head, and other matters of joint concern were handled either through normal diplomatic channels or through the numerous specialized boards that had been set up as a result of the Panama, Havana, and Rio conferences. The extent of cooperation through these boards was probably far greater than is generally realized, but since it has little bearing on the postwar period it will be ignored here.⁴⁰

In return for the aid of the Latin American countries against the Axis, the United States undertook to bolster their economies against wartime strains. By March 1942, lend-lease aid was going to eleven Latin American countries, and increasingly greater stress was placed on economic and cultural cooperation, notably through the work of the Coordinator of Inter-American Affairs.

POSTWAR INTER-AMERICAN COOPERATION

➤ *The Mexico City Conference, 1945.* Avowals of continental solidarity and of a general international united front served their purpose well in wartime, but they suffered from the facts that they were evoked mainly by a temporary emergency and that they were not cast in treaty form. It was to remedy these defects, among others, that in February 1945 an Inter-American Conference on Problems of War and Peace met in Mexico City. With the exception of Argentina, all American republics were represented at this meeting, which was to consider measures for clinching the victory in war that was by then in sight, and to deal with problems of international organization on a broad scale, as applied to both the Americas and the world. These aims were accomplished by a new affirmation of intention to defeat the Axis, by unanimous (though qualified) endorsement of the Dumbarton Oaks Proposals, which were to serve as the basis for the United Nations Charter drafted at San Francisco later in the same year, and by adoption of the Act of Chapultepec and other treaties and resolutions.

The Act of Chapultepec is by all means one of the most outstanding documents in the history of the Organization of American States. It begins with a

diplomatic relations and declarations of war is found in *Docs. Am. For. Rels., 1942-1943*, p. 359. Chile was nearly as dilatory as Argentina, in that it did not break with the Axis until January 1943, and then only under considerable diplomatic pressure from the United States and other American countries.

⁴⁰ For documents testifying to the great amount of inter-American action along these lines, see *Docs. Am. For. Rels., 1942-1943*, pp. 349-414; *ibid.*, 1943-1944, pp. 497-523. See also Duggan, *op. cit.*, pp. 82-116; Allan Nevins and Louis Hacker, *The United States and Its Place in World Affairs, 1918-1943* (Heath, 1943), Chapter 33.

summary of the principles that the American states had been developing since the conference of 1889: proscription of territorial conquest, condemnation of intervention, recognition of interdependence in event of threatened war, and provisions for consultation.⁴¹ The meat of the Act, however, is found in the declaration that:

every attack of a State against the integrity or the inviolability of the territory, or against the sovereignty or political independence of an American State, shall, conformably to Part III hereof, be considered as an act of aggression against the other States which sign this Act. In any case invasion by armed forces of one State into the territory of another trespassing boundaries established by treaty and demarcated in accordance therewith shall constitute an act of aggression.⁴²

Thus there was at least a partial definition of aggression; the Act proceeded to state that in case of threatened or actual aggression there was to be mutual consultation for defense.

It will be observed that the Act did not provide a specific guarantee of military assistance in case of its invocation; several Latin-American states would have welcomed such assurance from the United States, but the meager chances of such a commitment's passing the American Senate ruled out any stronger wording than that used. The similarity of the treaty and of the situation in general to the North Atlantic Treaty and the situation that existed in 1949 should be noted. Up to this point the Act applies to World War II primarily; but it goes on to recommend that, following re-establishment of peace, the member states conclude another treaty "... establishing procedures whereby such threats or acts [of aggression] may be met by the use, by all or some of the signatories of said treaty, of any one or more of the following measures," which included sanctions ranging from recall of chiefs of diplomatic mission to actual use of armed force.

These stipulations in themselves assured the Mexico City Conference its niche in Pan-American history, since here for the first time in the development of the inter-American system a pact envisaged the possible use of joint military enforcement power; yet it is to be remembered that for the long run these ideas needed the further implementation which they received two years later at Rio.

➤ *Argentine Adherence.* The Argentine Republic had not been repre-

⁴¹ It can be said of such statements as these, which had often been issued by the O.A.S., that they are only pretty words on paper—and also, as George Washington said of our Constitution, that they "set up a standard to which the wise and honest might repair." Whitaker, ed., *op. cit.*, 1941, pp. 22-23.

⁴² The Act was dated March 6, 1945; the text will be found in *Docs. Am. For. Rels.*, 1944-1945, pp. 717-720. Texts of other documents relating to the Mexico City Conference will be found in *ibid.*, pp. 700-753. A brief explanation of the meaning of the Act will be found in D. G. Munro, "The Mexico City Conference and the Inter-American System," *Department of State Bulletin*, Apr. 1, 1945, pp. 525-530. "Part III hereof" provides that the Act constitutes a regional arrangement under the general international organization that was shortly to be constituted at San Francisco.

sented at the Mexico City Conference because of its refusal to sever diplomatic relations with the Axis, to say nothing of declaring war upon the Axis. As for the resolutions of the Havana (1940) and Rio (1942) meetings of Foreign Ministers concerning hemispheric solidarity, the delegates at Mexico City were acutely conscious that Argentina had, grossly to understate the case, taken them with a grain of salt.⁴³ Consequently, on March 7, 1945, the conferees by resolution expressed their hope that the Argentine "Nation" (which word was carefully chosen in preference to "government") would take a position parallel to that of the other states, so that there might truly be American solidarity; the Argentine nation was further called upon to affiliate itself with the others in signing the Declaration of United Nations (of January 1, 1942) and in adhering to the Final Act of the Mexico City Conference. On March 27, with the war in Europe obviously in its last few weeks, Argentina finally declared war on Germany and Japan, and on April 4 it proceeded to align itself with the Americas by signing the Final Act of Mexico City. Effulgent lip service was paid to the ideal of Pan-Americanism by the Argentine government in its statement that it had "always collaborated with the American states in all action tending to unite the peoples of the Continent; that this traditional policy of generations of Argentines . . . has been inspired by a sentiment of true and effective Americanism, a consequence of the injunctions of the noble principles that have always regulated our international life."⁴⁴ No one took the trouble to demolish this house of cards. International reconstruction rather than recrimination was the major goal. The ostensible about-face was rewarded shortly thereafter by United States recognition of the Farrell government, which was then in power, and by the inclusion (over considerable opposition) of Argentina among the members of the United Nations Conference at San Francisco in May, membership in which was supposedly open only to those who had more or less actively fought the Axis in World War II.⁴⁵

➤ *The Rio Treaty, 1947.* Further action was necessary in order to provide a permanent pact of the kind envisaged at Mexico City, and, after considerable delay caused by United States refusal to hold a conference until Argentina made some real progress toward carrying out the obligations imposed by numerous earlier resolutions and agreements, the Inter-American Conference on the Maintenance of Continental Peace and Security was convened in Rio

⁴³ The Argentine Republic has long played the "bad boy" role in inter-American collaboration. Not only was it in World War II openly fascist and pro-Axis, but for many years previously it had not cooperated in American peace moves. Bemis, *Latin American Policy of the U.S.*, p. 261, points out that up to the beginning of 1943 the Argentine Republic had ratified only six out of ninety conventions proposed by the O.A.S., and that most of the six were innocuous, noncontroversial items.

⁴⁴ See *Docs. Am. For. Rels.*, 1944-1945, pp. 752-755.

⁴⁵ A good statement of the Argentine difficulties referred to above will be found in *United States in World Affairs, 1945-47*, pp. 206-218.

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Greenland.⁴⁷ Aggression is defined as including, but not being limited to, unprovoked armed attack upon or armed invasion of an American state. The Organ of Consultation in case of aggression shall apply sanctions ranging in type and severity from recall of chiefs of diplomatic missions through rupture of all manner of communications to use of armed force. If the decision to apply sanctions is taken by representatives of two thirds of the states that have ratified the treaty, the decision is binding upon all, with the one important exception that "... no State shall be required to use armed forces without its consent." The case of an attack by one American state upon another is covered by a special article, which allows the Organ of Consultation to demand a suspension of hostilities and any other necessary measures to preserve the peace; the implication is strong that a state refusing to comply with such demands is likely to be declared the aggressor, with the consequences entailed by other parts of the treaty.

The pact was promptly ratified by the United States, and by December 1948 the necessary two thirds of the signatories had ratified and the obligations assumed went into force. The treaty is notable in that it permits the application of sanctions by a two-thirds vote of the ratifying states, so that enforcement action cannot be held up by a single veto, as in the United Nations Security Council. It is weak to the extent that a state opposing military sanctions cannot be required to supply armed forces, but such a provision is understandable enough under modern conditions of state sovereignty.

What may happen in case of actual foreign invasion is obviously impossible to say in advance. It is known, however, that this treaty was carefully studied by the framers of the Brussels and North Atlantic Pacts of 1948 and 1949, and also that in point of fact during World War II there was a most heartening rallying to the cause of the United States and United Nations by a considerable segment of Latin America. A dramatic demonstration of Latin American support came early in July 1950, shortly after the start of "UN police action" in Korea against the North Korean Communists. The Council of the Organization of American States met in Washington and pledged its "firmest support" for the action, and repeated an affirmation of "continental solidarity" with the United States. Even Argentina's Juan Perón appeared to get into the spirit of the times by urging, successfully, the completion of his country's ratification of the 1947 Rio treaty.

➤ *Nicaraguan-Costa Rican Clash, 1948.* The Rio treaty was operative for precisely eight days before it was first invoked. It became effective December 3, 1948. On December 11, Costa Rican territory was invaded from Nicaragua. On the following day the Council of the Organization of American States met

⁴⁷ The area is defined precisely in Article 4 of the treaty; it is shown on a map in *United States in World Affairs, 1947-48*, p. 116.

de Janeiro (most of the meetings were held in the near-by mountain resort of Petropolis) in August 1947. Here an interesting conflict of views was evident. The United States, having come a long way from any "no entangling alliance" attitude, actively pressed for strong collective action, applied by less than unanimous vote, against any disturber of the peace. The Argentine Republic, on the other hand, proposed a much weaker pact, which would allow only for consultation, with no military sanctions, in case of intra-continental disputes, and which would call for collective enforcement only in the event of an attack from outside the hemisphere, and even then only by unanimous vote. The irony of this situation lay in the fact that at San Francisco two years earlier the Argentine representatives had been most vociferous in attacking the veto as applied to the UN Security Council. In general the position of the United States was accepted.

The Inter-American Treaty of Reciprocal Assistance, signed on September 2, 1947, is a landmark in Pan-American relations. It makes the usual bows to the principles of American solidarity, but then proceeds to implement them in a way that obviously meant business.⁴⁶ The first two articles are somewhat reminiscent of the Kellogg-Briand Pact of 1928, in that the parties condemn war, agree not to resort to the threat or use of force in manners inconsistent with this treaty or with the UN Charter, and undertake to submit every controversy that may arise among them to peaceful settlement within the inter-American system before referring it to the UN Council or Assembly. Article 3 carries the basic provision that:

The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

The Foreign Ministers constitute the Organ of Consultation (as provided also by the Organization of American States in the Bogotá treaty of 1948) to determine the means by which the foregoing obligation shall be executed. The area within which the obligation is binding is defined by the treaty to include the Western Hemisphere from pole to pole, including Canada, Alaska, and

⁴⁶ The text of the treaty is in *Int. Org.*, Feb., 1948, pp. 202-206; see also *ibid.*, pp. 143-144; the text is also in *Docs. Am. For. Rels.*, 1947, pp. 534-540. Nicaragua and Ecuador were in the throes of revolution at the time of the Rio meeting, and consequently they did not sign on September 2; the treaty, however, was left open to their signature and also, possibly quite significantly, to that of Canada. For discussion of the background and negotiation of the treaty, see *United States in World Affairs*, 1947-48, pp. 102-120. The United States Senate consented to ratification by vote of seventy-two to one, in December 1947. On December 3, 1948, the treaty came into force, having by that date been ratified by two thirds of the signatories.

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pursuant to the Rio pact and at the request of the Costa Rican government. Within two weeks a committee had flown to the scene, investigated, and reported to the Council that the invasion force consisted of political exiles from Costa Rica; that, although the Nicaraguan government had not directly helped them, it had not taken sufficient safeguards against allowing them to use its territory as a base for plotting an attack on a friendly state; and that Costa Rica had also sinned, by giving moral and material support to a revolutionary organization directed in part against the government of Nicaragua. In other words, neither party could come into court with clean hands. The Council requested the two states to take the necessary steps to prevent interference in future with each other's internal affairs, reminded them of the Organization's oft-repeated resolutions against intervention, and guided them to an end of hostilities. The upshot of the whole episode was the negotiation, under the Council's auspices, of a new treaty of amity between Costa Rica and Nicaragua. This treaty, signed in Washington in February 1949, put an end to what could have blossomed into a Central American war.⁴⁸ It appeared that the Rio conferees had created a workable dispute-settling machine.

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⁴⁸ *United States in World Affairs, 1948-49*, p. 365.

THE UNITED STATES AND CANADA

ONE OF THE STRANGEST PARADOXES in the realm of American foreign policy concerns the relations of the United States with its northern neighbor. The average American is aware that there is such a country as Canada, but his descriptions of it tend to become vague after the Royal Northwest Mounted Police and their red coats are disposed of; it might not be an unfair statement that the American man in the street knows more about his country's relations with China than about those with Canada. Yet the latter is the best customer the United States has; we have more money invested there than in any other foreign country; the 3300-mile-long land and water frontier¹ separating (or, as Franklin Roosevelt more felicitously said, joining) the two neighbors is immensely important to American defense in days of polar flights and possible trans-Arctic air attacks; and in days when free governments are everywhere endangered, the long democratic tradition in the two states might logically be expected to bring them close together spiritually.

EARLY PROBLEMS AND ANTAGONISMS

Both Canada and the United States are basically English in origin, but this common origin does not produce the feeling of kinship that one might expect. There are several reasons why it does not. For one thing, there is the strongly nationalistic French-speaking population, especially in Quebec, to be considered; its traditions are French rather than English. Secondly, after 1776 Americans could never quite understand why Canadians should not revolt against George III as we had done; why anyone should actually prefer to remain within the British Empire was an unfathomable mystery that generated considerable misunderstanding. For a third factor, one must recall that in the days after 1776 some 100,000 United Empire Loyalists (American Tories who did not approve of the Revolution) were driven out of the rebellious colonies, at great cost to these persons in spirit and property. Most of them migrated to Canada (especially to New Brunswick and Ontario) and understandably took with them an antipathy toward the United States that has not yet been altogether dissipated.

¹ This refers to the boundary between Canada and the United States proper. The Canadian-Alaskan boundary accounts for another 1500 miles.

In the mid-twentieth century, when relations between the United States and Canada seem perfectly friendly, it is difficult to realize that the situation has not always been so. The fact of the matter is that until the opening of the present century there was a tremendous amount of antagonism between the two; although there has never been a major war between them; there have been numerous guerrilla raids across the border, and many hotheads have urged their countrymen to invade the other and "teach them some manners." Let us skim the record.

➤ *Thoughts of Annexation.* We Americans who consider ourselves unimperialistic might profit from a reading of some Canadian-American history. We would recall that in 1775, during the Revolutionary War, American troops engaged in an abortive invasion of Canada; it was considered to be the logical consequence of a proposal adopted the preceding year by the Continental Congress, in which the people of Canada were invited to arise in opposition to the English master. In 1778 the treaty of alliance between the United States and France openly anticipated American conquest of Canada and gave French blessings to the project. In 1807 a severe strain was put on British-American relations by the search of the American vessel *Chesapeake* on the high seas near Norfolk, Virginia, and there were those who threatened to invade Canada in retaliation.

Not only did the Continental Congress in 1774 offhandedly assume that Canada would join with the colonies in throwing off the British imperial government but when the Articles of Confederation were drafted a few years later they included a provision that "Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union. . . ." Many people evidently took it for granted that an American-Canadian union would come about shortly, in the ordinary course of events, and they became greatly perplexed at the lack of reciprocal feeling in the country to the north.

Any such union would have been peaceful and by mutual consent, but there have been times when the American attitude was more belligerent; Henry Clay expressed such an attitude at the time of the War of 1812: "I am not for stopping at Quebec or anywhere else but I would take the whole continent . . . and ask no favors." He was by no means alone in his sentiments.² At other times, when anti-British feeling was running high in the country, Americans have suggested that Canada be ceded to the United States as indemnity for war responsibilities. This proposal was made after both the Revolutionary and 1812 wars and again after 1865, when cession of Canada was suggested as a means of partly settling the *Alabama* claims, of which more will be said

² See James M. Callahan, *American Foreign Policy in Canadian Relations* (Macmillan, 1937), pp. 303-305; also S. F. Bemis, *A Diplomatic History of the United States* (Holt, rev. ed., 1942), pp. 747, 791-795.

later in this chapter. As late as the 1930's, we proposed that Canada serve as part payment on the defaulted World War I debts owed by England. Those making such a suggestion have often glibly assumed that such a transfer would be acceptable to the Canadians and have persisted in lack of comprehension of the nature of the British Commonwealth of Nations. Time was when Canada could legally have been bartered away by the mother country, but that time has long since passed.

➤ *Frontier Incidents.* For years after the conclusion of Anglo-American peace in 1783, there was bickering over the failure of the British to evacuate the border posts between the two North American neighbors; it definitely did not increase the friendship between the two. The War of 1812, which by most Americans is considered a protest against British impressment of American seamen, appears to many Canadians as a poorly concealed attempt to conquer Canada. The Canadian opinion is supported by such statements as the one quoted from Henry Clay and by events that those south of the border have long ago forgotten: the American invasion of Canada and burning of the provincial capital city of York (now Toronto). This American invasion was the second within a period of forty years. So intense was the antipathy between the governments and peoples involved that a race in border fortifications and naval armaments on the Great Lakes arose, but it was happily diminished and later extinguished, thanks to the Rush-Bagot Agreement of 1817, of which more will be said later. In 1837 came an unsuccessful Canadian revolt against British suzerainty, and further border episodes that could have led to war. Canadian rebels made forays from American territory, and some Americans joined forces with them; after the rebel leader, William Lyon Mackenzie, was unsuccessful at home, he moved his headquarters to Buffalo. Such affairs could be expected to increase tension between the two countries. Add to this the fact that Canadians in 1837 crossed the Niagara River boundary to seize the *Caroline*, an American ship that had been carrying supplies to the rebels, and that in the process an American was killed and the ship went over the Falls, and one may wonder why war did not come then and there.³

➤ *Boundary Disputes.* Boundary disputes between Canada and the United States have caused trouble. In 1839 the Maine legislature sent agents to arrest trespassers in the region of the Aroostook River, in land that was claimed by both Maine and New Brunswick; but the tables were turned, and the "Aroostook War" resulted in the capture of fifty Mainemen, who, however, were released shortly thereafter. This boundary dispute was ultimately settled by the famous Webster-Ashburton Treaty of 1842, by which a compromise frontier was agreed upon and Americans received the right of navigation of

³ See Henry S. Commager, *Documents of American History* (Appleton-Century-Crofts, 2 vols., 4th ed., 1948), Vol. I, pp. 287-291; also John H. Latané and David W. Wainhouse, *A History of American Foreign Policy* (Doubleday, Doran, 2nd revision, 1940), pp. 202-207.

the St. John River to the sea. Only a few years later a similar wrangle on the other side of the continent appeared to have potentialities for far more than a comic-opera war: this was the dispute over the demand of the United States that its northwestern boundary would be at "Fifty-four forty or fight." Here again, however, after the partisanship of the 1844 presidential campaign had passed into history, more conciliatory attitudes were demonstrated, and by treaty of 1846 the Oregon boundary was placed at its present 49° north latitude.⁴

When Alaska was purchased from Russia, in 1867, surveying was primitive and accurate maps were likely to be rare, if not nonexistent. It was not uncommon to find a treaty provision fixing a boundary as running from the peak of a certain mountain to a prescribed bend in a given river; when, however, surveyors went out to run the actual boundary, they might find that the mountain existed only in the cartographer's mind or that the river was actually north of the mountain although the treaty implied it to be south. This was the kind of situation involved in the fixing of the eastern boundary of the Alaskan panhandle. If the area had been surveyed immediately after the purchase, there would presumably have been no trouble; but matters were allowed to drift along until the Klondike gold rush of 1897, when it was discovered that the simplest route to the Klondike ran through disputed territory. Ultimately, in 1903, the problem of the exact boundary was submitted to an arbitral tribunal, which settled the argument substantially in favor of the American contention.

➤ *Civil War Troubles.* In the American Civil War, the North was greatly vexed by the patent sympathy of the British and of many Canadians for the Confederate cause. There occurred a reverse repetition of some of the difficulties of the Canadian revolt of 1837; this time Confederate agents operating in Canada organized border raids and carried on a considerable amount of trans-frontier smuggling. At approximately the same time came the famous episodes of the Confederate warships built in England, which gave rise to the *Alabama* claims, over which the Union government became much exercised. However, in 1866 and thereafter, raids from the United States into Canada took place. They were inspired by the Fenian movement of Irish nationalists, who were impressed with the desirability of harassing His Britannic Majesty's possessions wherever they could find them.⁵ Naturally, in none of these cases did either the Canadian or the American government take kindly to attacks on its territory which originated in the neighboring country.

⁴ On settlement of boundary problems, see P. E. Corbett, *The Settlement of Canadian-American Disputes* (Yale University Press, 1937), Chapter 2; and Charles C. Tansill, *Canadian-American Relations, 1875-1911* (Yale University Press, 1943), Chapters 5-8.

⁵ On the Fenians, see Lester B. Shippee, *Canadian-American Relations, 1849-1874* (Yale University Press, 1939), Chapter 10. On other troubles of the Civil War period, see *ibid.*, Chapters 6-8.

➤ *The Alabama Claims.* In 1862-1863 the English government permitted the construction in England and the sale to a Confederate agent of four vessels that were later equipped as armed raiders on Union commerce; their ultimate destiny was an open secret at the time of their construction. Of them the one that came to be best known was the *Alabama*, for its missions were extremely successful. The government of the United States protested in the first instance against the sale of the vessels and in the second against the great damage which they inflicted on its shipping; it took the attitude that Great Britain was guilty of an unneutral act in countenancing the construction and sale of the raiders. After long negotiations the question of British responsibility was submitted to an arbitral tribunal, which met in Geneva in 1871-1872 under the terms of the Treaty of Washington of 1871.

➤ *The Treaty of Washington, 1871.* By agreeing to this treaty the British in effect lost their case even before the arbitral board met. They expressed regret over the escape from England of the *Alabama* and its sister ships, and agreed to rules which stipulated that a neutral nation was bound, among other things, to "... use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace. . . ." Since there was no question that the *Alabama* had been built in England, all the arbitrators had to do on this point was to find Britain guilty and assess damages amounting to \$15,500,000. This sweet reasonableness of the British reflected a recurrence of a common event in American diplomatic history: the complexities of European politics were working out to our advantage. The British were willing to agree to the principle of "due diligence" because they were in danger of becoming involved in the Franco-Prussian war then in progress; in the absence of such principles the shoe might have been on the other foot, and American shipyards could have been the source of numerous *Alabama's* that could prey upon British commerce. Therefore the incident was closed amicably.

➤ *Fishing and Sealing.* For decades after the Revolutionary War the United States was involved with its northern neighbor in disputes over fishing rights. Although such rights were conceded to the Americans, there was constant argument over the precise areas open to fishing and the exact privileges granted. These difficulties were not settled until the twentieth century.⁷

⁶ On the whole episode of the *Alabama* claims, see Latané and Wainhouse, *op. cit.*, pp. 426-454; Shippee, *op. cit.*, Chapters 14-17 and pp. 481-488; Manley O. Hudson, *Cases . . . on International Law* (West Publishing Co., St. Paul, 1929), pp. 1441-1445.

⁷ On these problems, see Corbett, *op. cit.*, Chapter 3; Shippee, *op. cit.*, Chapters 12, 18; Tansill, *op. cit.*, Chapters 1-4, 10-12; Ellery C. Stowell and Henry F. Munro, *International Cases* (Houghton Mifflin, 1916), Vol. I, pp. 177-202. There have been two major postwar fisheries conventions involving the United States and Canada. One is the International Convention for the Northwest Atlantic Fisheries, signed at Washington on February 8, 1949, by the United States, Canada, Iceland, the United Kingdom, Denmark, France,

A serious dispute arose in consequence of the American purchase of Alaska—a move which, incidentally, was undertaken in large measure to extinguish British and Russian claims in the north-Pacific region. The United States claimed that as a result of the cession it had acquired the right to prohibit pelagic (i.e., open-sea) catching of fur-bearing seals in the Bering Sea, especially around the Pribilof Islands, where the largest herds of seals summered and reared their young, and by Act of Congress it declared such pelagic sealing in the Bering Sea to be illegal.⁸ When, in 1886, American officials engaged in enforcing this law seized several Canadian sealers 60 miles from land and condemned their ships, Britain loudly protested on Canada's behalf that the Americans, whatever their admitted rights on the Pribilof Islands, had no jurisdiction whatsoever over the high seas outside the 3-mile territorial-waters limit. There ensued a lengthy diplomatic skirmish, concluded in 1893 by an arbitration which decided against the American contention on most counts and which limited that government's regulations to its land possessions and the 3-mile-wide surrounding belt of water.⁹ Although this settled the matter of legal rights, it did not prevent the rapid destruction of the herds of fur-bearing seals by hunters who were responsible to no laws and to whom conservation arguments made no appeal. Thus the killing went on until 1911, when a protective treaty was signed by representatives of the United States, Great Britain, Japan, and Russia under the terms of which pelagic sealing in the Bering Sea and the Pacific was prohibited north of 35° north latitude and east of 180°. ¹⁰

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DEFENSE PROBLEMS

➤ *The Rush-Bagot Agreement.* It has already been observed that by 1815 American troops had twice invaded Canada and that forces organized on Canadian soil made forays against the United States. Under such circumstances it would not be surprising that fortifications should be erected along the land frontiers and that ships of war should be maintained on the Great Lakes. Such measures have actually been employed and would doubtless have developed into an out-and-out naval race had it not been for the conclusion, in 1817, of the Rush-Bagot Agreement, by which Britain and the United States tacitly admitted that the costs of such competition would shortly get out of hand.¹¹

The Rush-Bagot Agreement is sometimes referred to as one of total disarmament on the Great Lakes, but actually it was not.¹² It was simply an understanding to the effect that each of the two governments involved would limit itself to three warships on the Great Lakes and one on Lake Champlain, each vessel to be not more than 100 tons burden and to mount one 18-pound cannon.¹³ It will be noted that, although naval armament was severely restricted, there was no mention of land fortifications, which, indeed, continued

¹¹ In accordance with the practice of those days, British diplomats negotiated on behalf of Canada. It was not until 1923 that Canada came to negotiate agreements and treaties in its own right. See F. R. Scott, *Canada and the United States* (World Peace Foundation, Boston, 1941), pp. 19, 48.

¹² That the agreement did not in fact end land or marine armaments on the Lakes is well brought out by C. P. Stacey in his "The Myth of the Unguarded Frontier," *American Historical Review*, Oct. 1950, pp. 1-18. Real disarmament came about only after the conclusion of the Treaty of Washington of 1871.

In 1818, the year after the agreement was made, there occurred an event that turned out to be symbolic. After the United States had spent a great deal of money on the construction of a fort near the north end of Lake Champlain, it was discovered that, owing to a surveyor's error, the fort had actually been built on Canadian soil. This was Fort Montgomery—colloquially known thereafter as "Fort Blunder." Although the United States ceased construction when the mistake became known, the British agreed in 1842 to an alteration of the boundary so as to bring the fort into the United States. See J. Bartlett Brebner, *North Atlantic Triangle* (Yale University Press, 1945), pp. 144-145. One may certainly question the need for a fort to guard against an "enemy" so obliging as to cede the land on which it is located.

¹³ Text in Commager, *op. cit.*, Vol. I, p. 213. The signers (but not the main negotiators) were Richard Rush, Acting Secretary of State, and Charles Bagot, special British minister. Although the agreement was reached by simple exchange of notes and therefore would be regarded as an executive agreement, President Monroe in 1818 notified the Senate of its conclusion and inquired whether its advice and consent were deemed necessary. The Senate gave its advice and consent, but there is no record of any ratifications ever being exchanged, and therefore the understanding is generally considered an executive agreement rather than a treaty.

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in existence for several years. The United States construed the agreement to apply only to vessels that were strictly naval; thus in 1892 we had an armed 500-ton ship on Lake Michigan, deeming its presence there legal since it was a revenue cutter rather than a "naval force." During the emergency of the 1837 Canadian revolt, Britain put ships on the Lakes of higher tonnage than was specified in the agreement, arguing that it had to do so in self-defense. Through the years both the United States and Canada have been guilty of technical violations of the agreement, but its underlying spirit of nonaggression has been preserved.

➤ *World War II.* Even before the outbreak of World War II, the American government took the initiative in proposing that the Rush-Bagot Agreement be reinterpreted in the light of new conditions. After a friendly diplomatic interchange, both parties agreed that, although it was undesirable to change the formal wording of the basic notes, neither would consider the other to be violating the spirit of 1817 if naval vessels of greater tonnage than was stipulated were present on the Great Lakes, if they were used for training naval reservists, or if they engaged in target practice within their own territorial waters. It was further agreed that war vessels could be constructed in Great Lakes shipyards, and even armed there, so long as the other country was made aware of the activity and so long as the ships involved were moved to salt water as soon as possible after their completion.¹⁴ Thus did the governments play fast and loose with the direct provisions of the Rush-Bagot Agreement and yet preserve its fundamental intent, namely, that no naval activity of one nation on the Great Lakes should be potentially hostile to the other. Even though the initial negotiations were carried on in June 1939, when neither country was at war, the handwriting was already appearing on the wall, and neither Canadian nor American thought it conceivable that he could become engaged in a war against the other. The "reinterpretation" of the agreement was simply a matter of common defense.

➤ *Roosevelt's Pledge, 1938.* About a year before the last negotiations on reinterpretation of the Rush-Bagot Agreement, President Franklin Roosevelt journeyed to Canada, and in August 1938 he made a speech at Kingston, Ontario, in which appeared the following significant sentences: "The Dominion of Canada is part of the sisterhood of the British Empire. I give you assurance that the people of the United States will not stand idly by if domination of Canadian soil is threatened by any other empire." A tempest ensued in American public opinion. As in the case of the same speaker's "quarantine the aggressor" suggestion, made in Chicago in 1937, a large and vocal sector of Americans was convinced that a warmongering President was leading his compatriots down the road to Armageddon. Many others, however,

¹⁴ The texts of the documents involved will be found in *Docs. Am. For. Rels., 1940-1941*, pp. 169-178; *ibid.*, 1941-1942, pp. 442-443; *ibid.*, 1945-1946, pp. 788-790.

much as they disliked even the thought of aggression and war, considered that Franklin Roosevelt had merely stated an axiom; just as certainly as winter follows autumn, invasion of the United States would be the next move after that of Canada, and attack on the latter would be undertaken in the first place only or mainly for the purpose of obtaining a springboard from which to pounce on the former. In any case, unknown to the general public, the year 1937 had actually been marked by the inauguration of joint American-Canadian defense conversations.

➤ *The Ogdensburg Agreement, 1940.* By 1940 the situation had changed materially. Canada was now at war with the Axis, but the United States was giving "aid short of war." The two were brought closer together by the destroyers-for-naval-bases deal of 1940, insofar as some of the new American-leased bases were in Newfoundland. Secondly, President Roosevelt met Canadian Prime Minister Mackenzie King at Ogdensburg, New York, in August 1940, and after consultation the two issued a terse six-sentence communiqué, which was eloquent primarily for what it implied rather than for what it stated. It said simply that in the interests of mutual safety a Permanent Joint Board on Defense was being created to study the problems of military defense in the north half of the Western Hemisphere.¹⁵ Although innocuous enough on the surface, the Ogdensburg Agreement was something new under the sun, in that the United States for the first time in peace had made a military agreement with a belligerent country and Canada for the first time had made such an agreement with a non-Empire country.¹⁶ Its real significance lay in the fact that the United States and Canada were, under pressure of war or its threat, moving closer and closer together. Taken together with Roosevelt's Kingston speech, the Ogdensburg Agreement was widely assumed to amount in practice to a defensive military alliance.

➤ *The Hyde Park Declaration, 1941.* The collaboration that the Ogdensburg Agreement implied in the military sphere was spelled out in economic terms in April 1941, when Roosevelt and King met again, this time at Hyde Park, New York. The agreement worked out here provided for mobilization of the industrial might of the two neighbors and for so planning that mobilization as to coordinate the progress of the two toward a common goal.¹⁷ The Hyde Park Declaration not only called for such cooperation but indicated that major American purchases of war materials would be made in Canada, partly because it could produce them with especial efficiency and partly to ease the

¹⁵ Text in *Docs. Am. For. Rels., 1940-1941*, pp. 160-161; see *ibid.*, 1947, pp. 561-562, on the continuation of the PJBD into the postwar period.

¹⁶ See Scott, *op. cit.*, pp. 7, 52-64.

¹⁷ Relevant texts are in *Docs. Am. For. Rels., 1940-1941*, pp. 161-169. The wartime economic and military collaboration of the United States and Canada was very close. For documentary evidence of it, see *Docs. Am. For. Rels., 1941-1942*, pp. 436-453; *ibid.*, 1942-1943, pp. 455-466; *ibid.*, 1943-1944, pp. 576-583; *ibid.*, 1944-1945, pp. 804-814.

war-induced Canadian shortage of dollar exchange; with a motive similar to the latter in mind, it was declared that Great Britain would be allowed to obtain under lend-lease and deliver to Canada many items essential to the Anglo-Canadian war effort.

The Kingston, Ogdensburg, and Hyde Park pronouncements made it clear that the United States stood as closely by the politico-military-economic side of Canada as could be imagined, "short of war." Even closer, of course, became the ties after Pearl Harbor, when the United States became a full belligerent. To a considerable extent the same situation persists to the present day, not only because of the existence of the Permanent Joint Board on Defense but also because of the responsibilities that the two countries assumed as signatories of the North Atlantic Treaty. They were sworn allies for at least the initial twenty-year period of this pact.

CANADIAN-AMERICAN TRADE RELATIONS

➤ *Canada's Problem.* Canada has long been faced with economic difficulties common to states with large, rich, but relatively unsettled areas. Its present population of more than fourteen millions is by no means evenly distributed over its territory, which is larger by 100,000 square miles than that of the United States plus Alaska. As a matter of fact, Canadian settlement is a rather narrow strip along the American border, since 90 per cent of its population lives within 200 miles of the boundary. Although much land is only sparsely settled, it possesses rich (but only partly developed) natural resources, in the discovery and exploitation of which foreign capital has played a major role. From this circumstance results the fact that internationally Canada is a debtor nation and that the interest payments on its billions of foreign investments must be financed by foreign trade. That Canada's concern with foreign trade is a real one is demonstrated by the following paragraphs on the American reciprocity treaty of 1854 and by the fact that Canada consistently ranks among the top five or six foreign-trading nations of the world.

➤ *The Reciprocity Treaty, 1854.* When in the 1840's the English government adopted a free-trade policy, the effect on Canada was unfortunate, in that the latter thereby lost its previously privileged position within the Empire; the immediate result was that Canada turned to other countries to recoup the trade loss thus incurred. Thus in 1849 some Canadian merchants attempted unsuccessfully to bring about union with the United States as a means of saving their country's economy. Shortly thereafter, negotiations were begun that culminated in the famous Reciprocity Treaty of 1854, which went a long way toward the restoration of prosperity in Canada.

The treaty lowered some tariff rates and placed numerous nonmanufactured articles on the free list in both countries. Reciprocity, however, was extended to many things other than tariffs. For example, the countries agreed

to permit the citizens of both to fish in the Atlantic coastal waters north of 36° north latitude; the British were conceded free navigation of Lake Michigan and the Americans similar use of the St. Lawrence River and connecting canals. Americans were not permitted to fish in Canadian rivers and river mouths, however, and the treaty provided for an umpire and commissioners who would settle disputes arising over legitimacy of fishing grounds.

In the mid-nineteenth century neither Canada nor the United States was renowned for its inclination to go out of its way to please its neighbor, even though a trade advantage might be the reward. Matters of motivation are therefore of some interest. As noted above, the Canadian desire was to find an outlet for foreign trade that formerly had gone to England. In the United States, two regional schools of thought proceeded from the same premise to opposite conclusions: the North favored reciprocity on the theory that Canadian annexation would be the next step and that it would increase the number of free states. The South, on the other hand, favored reciprocity on the theory that so much Canadian prosperity would result as to make the latter country feel no desire for annexation; furthermore, the treaty appeased Southerners by its grants of duty-free importations into Canada of naval stores, unmanufactured tobacco, and dried fruit. British policy at this time was motivated partly by fear of Canadian union with the United States, and, like the American Southerners, the English hoped that reciprocity-induced prosperity would head off the annexation movement. There was also a further consideration: if Canada prospered, it could pay for its own defense, and thus money could be saved that otherwise must flow out of the British treasury.¹⁸

➤ *Denunciation of the Reciprocity Treaty.* Almost as many years were required for the treaty's negotiation as the treaty endured. In 1865 the government of the United States gave the requisite twelve months' notice of denunciation, so that in 1866 the pact ceased to be binding. For this denunciation there were various reasons, but prominent among them were two: the feeling in America that the other party had violated the spirit of the treaty in certain tariff-rate changes it had made, and the antipathy still felt against Britain and Canada for their pro-Confederate attitude during the late Civil War. The Canadians were most unhappy over the termination of the treaty and tried for years to obtain a renewal, but to no avail. As it turned out, the denuncia-

¹⁸ On the treaty in general, see Brebner, *op. cit.*, Chapter 9. When Britain's Lord Elgin came to Washington to conclude the treaty, Secretary of State Marcy informed him that the Senate took a dim view of the proposed agreement. Lord Elgin thereupon "... promptly utilized the polite and convivial methods of diplomacy to overcome the opposition." After a brief but strenuous period of entertainment of the senators, he informed Marcy that it would now be safe to submit the treaty to the Senate. It was submitted and the Senate approved by vote of thirty-two to eleven. This sequence of events led to the charge that the treaty "had been floated through on champagne." Lord Elgin's secretary later wrote: "Without altogether admitting this, there can be no doubt that, in the hands of a skillful diplomatist, that beverage is not without its value." See Callahan, *op. cit.*, pp. 258-260.

tion was an important underlying cause of the Canadian union effected by the British North America Act of 1867: if profitable trade with the United States on the 1854-1866 level was not possible, domestic union might be especially advantageous. Another impulse toward union was found in recurrent American rumblings about Canadian annexation, which might be forestalled by Canadian union.

➤ *Tariff Retaliation.* For years Canada unsuccessfully sought a reinstitution of reciprocity and ultimately, when this possibility had clearly disappeared, adopted a policy of imperial preference. This caused a decline of United States-Canadian trade, which was still further diminished by American high-tariff policies, especially as embodied in the Smoot-Hawley Act of 1930. Canadian retaliation followed again, and in 1932 Canada, along with other Dominions, joined in the Ottawa scheme of imperial tariff preferences. Then came the administration of Franklin Roosevelt and the inauguration of the Hull reciprocal trade agreement program. Among the first such agreements was one with Canada, negotiated in 1935 and several times thereafter revised.¹⁹ The result of the new program was a considerable restoration of Canadian-American trade.

THE INTERNATIONAL JOINT COMMISSION

We have seen that during much of the nineteenth century relations between the United States and Canada ranged from the mildly unfriendly to the downright hostile. Fortunately, the atmosphere in the past fifty years has been greatly modified, and both nations have settled down to a peaceable relationship as between two self-respecting adults. This change has shown itself in the use of arbitral machinery to put an end to international tensions, and nowhere more clearly than in the functioning of a truly remarkable international institution, whose worth has long since been proved beyond all doubt—the International Joint Commission.²⁰ In 1909 a "Boundary Waters Treaty" providing for this body was signed at Washington by Secretary of State Elihu Root and British ambassador James Bryce. The treaty was duly ratified and proclaimed in 1910, and the first meeting of the Commission took place early in 1912. The latter's activities are eloquent testimony to the progress that had been made toward friendly international collaboration in the century since the War of 1812.

¹⁹ The text of the 1935 agreement is in Commager, *op. cit.*, Vol. II, pp. 521-524.

²⁰ On the Commission, see Callahan, *op. cit.*, pp. 499-508, 534-536; and Lawrence J. Burpee, "From Sea to Sea," *Canadian Geographical Journal* (Ottawa), Jan. 1938, pp. 3-17. Several pamphlets on the Commission are useful sources of information; among them are Lawrence J. Burpee, *Good Neighbours* (Ryerson Press, Toronto, 1940); George W. Kyte, *Organization and Work of the International Joint Commission* (J. O. Patenaude, Ottawa, 1937); International Joint Commission, *Functions, Powers and Duties of the International Joint Commission* (J. O. Patenaude, Ottawa, 1935); and International Joint Commission, *Rules of Procedure and Text of Treaty* (publisher not stated, Ottawa and Washington, 1947).

➤ *Treatment of Boundary Waters.* By the 1909 treaty the parties agree that boundary waters shall forever be open to the free navigation of both, and that the same privilege shall apply to Lake Michigan and to all canals connecting boundary waters. Furthermore, the treaty provides that no new uses, obstructions, or diversions of these waters may be made except with the approval of the appropriate domestic agencies of the two governments, plus that of the International Joint Commission (IJC). In addition it is agreed that neither party, without the consent of the IJC, is to permit the construction of dams or other obstructions on tributaries of boundary waters where the effect of such obstructions would be to raise the natural water level along the boundary; and it is also stipulated that pollution of boundary waters or of waters flowing across the boundary is not to be tolerated.

➤ *Functions of the International Joint Commission.* By the terms of the treaty the International Joint Commission was created, composed of a "national section" of three members appointed by the chief executives of each of the contracting parties. To these six men were entrusted far-reaching powers of several types.

In addition to the normal municipal activities of the two governments, the treaty gives the Commission power to pass upon any projects that may result in the raising, lowering, or pollution of boundary waters, and in general to regulate the use of these waters so that a definite precedence of water use should be maintained. Top priority for water use is given to domestic and sanitary purposes, second to navigation, and third to power and irrigation. Provision is made that decisions (for example, to permit the construction of dams) be taken by simple majority vote of the commissioners; but if they should not be able to reach such a vote, reports of that fact are to be made to the respective governments, which must attempt to resolve the conflict by diplomatic methods. In point of fact, the Commission very rarely has had to resort to the expedient of diplomatic settlement, and the overwhelming majority of its decisions have been unanimous.

Beyond these general provisions, special arrangement was made for the handling of the waters of two river systems. Concerning the Niagara River, it was agreed that there should be as little interference as possible with the water supply of the existing hydroelectric plants; and that for the duration of the treaty diversion of water above Niagara Falls for the purpose of power production should be limited to a maximum of 20,000 cubic feet of water per second for the United States and 36,000 cubic feet per second for Canada. Secondly, the parties agreed that for purposes of irrigation and power the St. Mary and Milk Rivers, in Montana, Alberta, and Saskatchewan, should be treated as one stream and that the two parties should share equally in that water. Since these rivers flow through both countries, they are peculiarly suited to international regulation. As a matter of fact, a canal has been built

between the two rivers just south of the boundary, so as to join them in fact as well as in law for the purposes mentioned.

While we are still on the subject of water use, note should be taken of a most unusual provision in the 1909 treaty: although each party reserved the right to exclusive jurisdiction over use and diversion of waters that flow across its border or into its boundary waters, each agreed that any exertion of this right that resulted in damage to citizens of the other should "... give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs. . . ." In the absence of such a provision, if, for example, the United States diverted water from the Milk River, which rises in Montana and flows into Alberta, and if that diversion injured farmers or other interests in that province, their only remedy would have been the uncertain one of diplomatic protests and possible eventual arbitration of claims. The quoted section of the treaty recognizes the mutual interest in such rivers and implies that in the long run a responsible exertion of one's own rights so as not unduly to infringe upon another's is the only sound basis of international cooperation. One is reminded of one of Justinian's famous basic precepts: "So use your own as not to injure another's property."

A second function conferred upon the IJC by the treaty is that of investigating, upon request of either government, and reporting upon "... any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along the common frontier. . . ." Upon conclusion of its investigation, the Commission is authorized to submit recommendations. Although it is expressly stipulated that such reports should not have the character of arbitral awards, experience has demonstrated clearly that the confidence which the two nations have come to repose in the Commission has grown so great that its recommendations will not lightly be disregarded.

The third, and in some ways potentially the most remarkable, function entrusted to the Commission is that of reaching decisions (not merely recommendations) by majority vote on "Any questions or matters of difference arising between the High Contracting Parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants. . . ." Such matters will be referred to the Commission by joint consent, with the proviso, as far as the United States is concerned, that such reference shall be advised and consented to by the Senate. Here it is noteworthy that (a) the Commission is given power to reach definite decisions by simple majority vote and (b) the matters in dispute are not limited to problems of boundary waters but extend to any kind of international difficulty jointly faced by the two states. On the other hand, however greatly the powers and importance of the Com-

mission are thereby potentially increased, no such arbitral cases have actually been presented to it under this authorization.

► *Commission Activities.* Following is one example out of many of the activity of the IJC in the regulation of water levels and uses: In 1941 the city of Seattle filed an application with the Commission seeking permission to increase the height of a city-owned hydroelectric power dam on the Skagit River. This is a boundary water within the meaning of the treaty, in that it rises in Canada, crosses the international line, flows through Washington, and ultimately empties into the Strait of Juan de Fuca, in the Pacific Ocean. Permission was granted by the Commission to raise the dam and therefore the water level of the lake impounded behind it, subject to the condition that the city of Seattle would, before altering the dam, make a definite and binding agreement to recompense those Canadians whose land would be flooded by the enlarged lake. Most of this land was owned by the Province of British Columbia, and the rest was in private hands; but regardless of ownership the city of Seattle must provide indemnity for the loss. As is common in such cases, the IJC also provided for the appointment of an International Skagit River Board of Control, to consist of one American and one Canadian engineer, with responsibility for acting as technical advisers to the Commission and for making such technical reports as the Commission might need in its supervision of the dam-raising project.

Investigations by the Commission have been numerous, but two examples will illustrate the activity. In 1928 the IJC was asked to make recommendations concerning the allegations of farmers in the state of Washington that sulfur dioxide fumes from a smelter at Trail, British Columbia, were being blown across the border and were ruining orchards and farms. Investigation showed that the damage was not so great as was alleged, but was not inconsequential. Therefore the Commission recommended that the company which owned the Trail smelter should pay \$350,000 damages to the Washington farmers, and it did so. Secondly, the Commission recommended that the smelter be required to process its waste gases so as to eliminate this danger in future, and compliance was obtained here also. It is noteworthy that, first, no boundary waters were involved and, secondly, although this was not properly speaking an arbitration, it attained much the same results.

In 1946 the two governments referred another question to the Commission: they directed it to investigate and report on pollution of boundary waters near Detroit—the St. Mary's River between Lakes Superior and Huron and the Niagara River from Lake Erie to Lake Ontario. It was made the Commission's duty to determine the source and possible remedies for the pollution of these waters. Detailed investigation resulted in a report in 1950²¹ in which

²¹ See *Report of the IJC . . . on the Pollution of Boundary Waters* (publisher not stated, Washington and Ottawa, 1950).

it was shown that pollution stemmed in part from municipalities around these waters, in greater measure from industrial wastes discharged from their shores, and in considerable amounts from the garbage, bilge waters, and other wastes emanating from ships plying these waters. The Detroit River carries more traffic than the Suez and Panama Canals combined, and thus the third item was not to be overlooked. It was the Commission's opinion that the pollution had reached serious proportions and was truly dangerous to health and property in the areas affected, and that it should be greatly diminished by treatment of the wastes before they were emptied into the rivers. Although national action in response to such recommendations was not immediately forthcoming, several individual municipalities began taking steps to comply with the report of the Commission.

THE ST. LAWRENCE SEAWAY

➤ *Early Proposal.* As long ago as 1912 the opening of the Panama Canal and the consequent low water-freight rates spurred interest in a proposal that the St. Lawrence River be developed from the sea to Lake Ontario so as to permit ocean-going vessels to reach the ports of the Great Lakes. Nothing concrete was done, however, until several years after the creation of the International Joint Commission. Then, in 1920, the Canadian and American governments referred to the Commission what has undoubtedly been the most important question it has ever been called upon to investigate.

➤ *Investigation.* The two governments posed a series of questions to which the Commission was requested to develop answers. It was asked to determine what improvements to the St. Lawrence would have to be made to permit deep-draft vessels to navigate up to the Great Lakes, and what would be needed if hydroelectric power production were to be added to such a project. The Commission was to investigate relative merits of different routes, costs and their apportionment between the two governments, and the immediate and presumptive long-range economic effects of such a development. In conjunction with a board of engineers the Commission held numerous hearings in the two countries, and after long consultations it issued a report in late 1921. It found that the St. Lawrence waterway was feasible from both economic and engineering points of view, and that in addition to the improvement of navigation the production of water power should be undertaken. The economic benefits of the plan, it was agreed, would redound to the advantage of the United States in greater measure than to that of Canada, and the IJC recommended that the costs of improvement of navigation be shared in proportion to expected benefits. As far as hydroelectric power was concerned, however, costs and advantages should be shared equally. The

Commission recommended the negotiation of a treaty to carry its recommendations into effect.²²

➤ *The Waterway Treaty, 1932.* Finally, in 1932, the 1921 recommendation of the Commission was implemented when the United States and Canada negotiated and signed the St. Lawrence Deep Waterway Treaty, calling for the construction of the seaway. Shortly thereafter the treaty was submitted to the Senate, but no action was taken. In 1934 the subject was revived by President Roosevelt, only to be defeated by the Senate's constitutional two-thirds rule: forty-six senators favored the treaty, as against forty-two opposed; thus the project was lost.

➤ *Clashes of Economic Interest.* The vote on the treaty was indicative of the economic interests on both sides of the seaway question. It is apparent that if seagoing vessels were in a position to enter the Great Lakes, the Lake ports and surrounding manufacturing and agricultural enterprises might expect an increase in business, and that they would profit immensely from water-freight rates, which are almost invariably lower than railroad or other land rates.²³ By that same token, however, transportation and manufacturing interests along the Atlantic and Gulf coasts might be expected to oppose the project because of the competition it would afford their vested interests. Entrenched railroads, shipping lines, coal-mining and electric-power companies were especially active in opposition to this potential competition. The Senate vote in 1934 fairly accurately reflected this clash of interests: opposed to treaty ratification were the senators from all the Atlantic and Gulf states except South Carolina and Alabama, whose shipping interests could scarcely fear St. Lawrence competition; in favor of ratification were all the Great Lakes states except Illinois, all the west-coast states, and numerous interior ones. The defection of Illinois, which might have been expected to lead the fight for the treaty, was presumably accounted for by the fact that the seaway treaty also included stringent limitations on the amount of water that could be diverted from Lake Michigan to flush out the Chicago drainage canal.²⁴

➤ *The 1941 Agreement.* Since politico-economic opposition to the water-

²² The questions put to the IJC and its answers will be found in *Interim Report of the IJC on the Champlain Waterway* (J. O. Patenaude, Ottawa, 1938), pp. 160-175; text of the 1932 Waterway Treaty is in *ibid.*, pp. 177-183. See also International Joint Commission, *Report on the St. Lawrence Navigation and Power Investigation*, Dec. 19, 1921 (GPO, 1922), 67th Congress, 2nd Session, Sen. Doc. No. 114; *Survey of the Great Lakes-St. Lawrence Seaway and Power Project* (GPO, 1934), 73rd Congress, 2nd Session, Sen. Doc. No. 116; Harold G. Moulton, C. S. Morgan, and A. L. Lee, *The St. Lawrence Navigation and Power Project* (Brookings Institution, 1929); The Reference Shelf, *St. Lawrence River Ship Canal* (H. W. Wilson Co., 1926); and *Congressional Digest*, June-July 1952, pp. 163-192.

²³ Two organizations in Washington are engaged in lobbying for and against the St. Lawrence project. In favor of it is the Great Lakes-St. Lawrence Association, supported by numerous chambers of commerce and by such farm bodies as the National Grange and the Farm Bureau Federation; opposed is the National St. Lawrence Project Conference.

²⁴ See Callahan, *op. cit.*, p. 555.

way evidently precluded the necessary two-thirds vote in the Senate, the administration early in 1941 tried another tack: it negotiated an executive agreement with Canada which would be brought into effect by simple majority votes in both houses of Congress and action of the Canadian Parliament. Under the terms of this document, the two countries would establish a Great Lakes-St. Lawrence Basin Commission, to draft and supervise execution of plans for the navigation and power development. In pursuance of such plans, each government would undertake to construct the necessary dams, canals, and powerhouses in its territory, and to do this in such a manner as to complement the action of the other.²⁵ President Roosevelt immediately urged Congress to approve the 1941 agreement "... as an integral part of the joint defense of the North American continent."²⁶

The 1941 agreement was opposed by the same interests that had disapproved of the 1932 treaty, and for the same reasons. Support for the waterway in the 1940's and thereafter came, however, not only from the earlier sponsors but in ever-increasing measure from those Americans whose primary motivation was the national defense. Through the 1940's and into the 1950's, as legislation to implement the agreement was studied by House and Senate committees, reported, debated, and recommitted, the waterway was defended by the Presidents, the Secretaries of State and of Defense, the Joint Chiefs of Staff, the Permanent Joint (American-Canadian) Board on Defense, the Office of Defense Mobilization, and others.²⁷ They argued for the navigation and power development on grounds that it would facilitate ship construction and repair on the sheltered inland waters of the Great Lakes, and that this would be an important safety factor in time of war; that its large amounts of low-cost power were needed by both civilian and defense industry; that the inland waterway would be invulnerable to submarine attack and would shorten essential shipping lanes; that it would relieve the overloaded railroad system of the northeastern section of the country; and that it would furnish a cheap and expeditious channel for shipment of Labrador iron ore to the Great Lakes ore ports. The last argument was based on the known facts that the Mesabi range, long the major American source of high-grade iron ore, was rapidly approaching exhaustion and that new and even higher-grade deposits had been discovered in Labrador, whence they could be shipped by rail to the St. Lawrence and then by water southwest to the Great Lakes.

²⁵ Text in *Docs. Am. For. Rels., 1940-1941*, pp. 187-195; see *ibid.*, pp. 196-199 in connection with the legal question of the constitutionality of accomplishing by legislative act that which had been refused while in treaty form. "The Legal Adviser of the Department of State and the Attorney General of the United States agreed that the legislation proposed under the 1941 agreement would be constitutional.

²⁶ See the text of the President's message in *Docs. Am. For. Rels., 1940-1941*, pp. 201-203.

²⁷ For texts of pertinent statements, see *Docs. Am. For. Rels., 1945-1946*, pp. 784-786; *ibid.*, 1947, pp. 562-565; *ibid.*, 1948, pp. 540-541; *ibid.*, 1949, p. 535.

The usual anti-waterway arguments continued to be advanced, but were rather easily answered. To the allegation that the seaway would make ruinous competition for the railroads, the answer appeared to be that if anything it would in the long run provide more business for them. The allegation that the waterway would be closed by ice for five months of every year seemed less serious than it might be, since the same had long been true, and without disaster, in the matter of getting Mesabi ore through the Soo locks to ports on Lakes Michigan and Erie. The waterway locks could be sabotaged, but against such a threat the United States and Canada were not defenseless. The argument that the additional power was not needed appeared to the Defense and other departments to be simply contrary to fact. It had once been argued that the waterway should not be built because of its great cost, but by 1950 that objection had been met by the agreement that the canals and locks should be made self-liquidating and self-supporting, through freight tolls.²⁸

➤ *The Present Problem.* As of the early 1950's the federal executive branch was still pressing for action. Out of the 2400 miles of waterway between Duluth and the Atlantic, about 115 required major action; this was the part between Montreal and Ogdensburg, New York, where extensive dams, locks, canals and powerhouses were projected. The United States Army Engineers estimated in 1951 that the total cost of completing the project would be about 818 million dollars; of this amount, existing plans called for the United States to pay 567 million dollars. The American cost was higher than the Canadian mainly for two reasons: first, at considerable expense, Canada had already constructed major works that would be part of the completed waterway; and secondly, as noted earlier, it was believed that the United States would realize a greater economic advantage from the seaway than would its neighbor. Out of the 567-million-dollar American share, the federal government would assume about 375 million dollars, and by agreement with the state of New York the remaining 192 million dollars would be invested in power production that would eventually be transferred and charged to that state. In any case, the plans called for no ultimate expense to the taxpayer, because, as we have indicated earlier, the project was to be self-supporting through tolls.

Even though the pro-waterway arguments apparently appealed to the great majority of disinterested observers, the opposition continued to block action by Congress. Meanwhile, the Canadian government was obviously becoming restless over American inactivity on a project tentatively accepted decades before. Consequently, in 1951 the Canadian Prime Minister proposed that his country alone should proceed with construction, before costs mounted any higher and while there was still time to carry through such a major under-

²⁸ A good article in this connection is that by Freeman Lincoln, "Battle of the St. Lawrence," *Fortune*, Dec. 1950, pp. 84-90, 184-189.

taking in advance of stringent defense demands; the Canadian Parliament agreed and passed the necessary legislation. President Truman renewed the requests that he and his predecessors in office had made for action by the American Congress, so that the venture could be joint rather than exclusively Canadian. Twice in early 1952 he urged Congress to act immediately; in April he said, in letters to the chairmen of the appropriate Senate and House Committees:

As I informed the Congress in January, the question before the Congress now is not whether the seaway should be built, but whether the United States should share in its construction, operation, and control. The Canadian Government is ready and willing to build a seaway from Montreal to Lake Erie on the Canadian side of the boundary, if the Congress does not authorize the United States Government to participate . . . [as] agreed to in 1941.

It would be extremely unwise and unrealistic for the Congress voluntarily to abandon the opportunity for the United States to jointly control a waterway so vital to our security, our commerce and industry, . . . In addition to the seaway, the St. Lawrence project will yield very large benefits in hydroelectric power. The same dams that create a navigation pool in the International Rapids of the St. Lawrence River, will yield 12.6 billion kilowatt hours of electric energy per year—half to each country—energy that is badly needed in both countries.

In order to build these works, if the Congress does not enact the legislation now before it (or other appropriate legislation), it will be necessary for the United States and Canada jointly to apply to the International Joint Commission—a body set up under the Boundary Waters Treaty of 1909 with authority to approve such projects. . . . Preparatory work has been proceeding on such a joint application. . . .

. . . if the Congress does not act, . . . the application to the International Joint Commission will be completed and filed at an early date. Thus the arrangements are nearly completed for proceeding with the St. Lawrence project by an alternative means if the Congress fails to act soon on the 1941 agreement. . . .²⁹

Still Congress acted with the deliberateness that had characterized it in this matter for decades past. The President's message had, however, made clear beyond any shadow of doubt that, although the American economic interests that opposed the seaway might block American participation, other means would be employed to carry the project through to completion, and the result would be a waterway under Canadian ownership and operation, which American ships would use under conditions that their government had no part in determining.

➤ **1952 Action.** The President's threat evidently did not carry much weight on Capitol Hill, for two months after the message last quoted, the Senate sent the seaway bill back to committee, thus killing it for the 1952 session. The

²⁹ *New York Times*, Apr. 20, 1952, p. 39; see also *ibid.*, Feb. 3, 1952, p. 2E.

vote was close—forty-three to forty—but the opponents were in the majority; as before, they drew much, although by no means all, of their strength from the eastern and southern seaboard states.

Holding the project in abeyance did not mean, actually, that no seagoing ships could reach the Great Lakes, since those with a draft of 14 feet or less could navigate the existing Canadian locks and canals. However, these ships were relatively small and few compared with the ones that proponents of the seaway had in view: they proposed the construction of a channel with a minimum depth of 27 feet from the Great Lakes to the deep water of the St. Lawrence; such a channel would be navigable by vessels of 20,000 tons. At all events, whatever the proposals and whatever their merits, the history of the St. Lawrence deep waterway affords a most instructive demonstration of the interaction of domestic and international politics, as well as substantiation of the oft-made statement that the dividing line between internal and "foreign" affairs is a wavering if not nonexistent one.

CONCLUSION

The story of American-Canadian relations through the past century and a half begins with stress and strife, which might have been expected under the circumstances. But gradually this friction gave way to a peaceful international relationship in which neither country any longer thought of fighting or annexing the other, even though one came to have ten times the other's population and other indices of national power. It is noteworthy that the two not only learned to live together in harmony but developed international machinery to remove sources of friction as soon as they arose. The record written by the United States and Canada belies the assertion often cynically made that nations will never learn to settle their disputes by arbitration or by the devices typified by the International Joint Commission. At least these two nations have shown that they can and will cooperate with each other where their mutual interests are thereby clearly served. One competent observer of the international scene has well said: "The real test of an institution is whether it works or not. Applying this test to the North Atlantic Triangle [the United States, Great Britain and Canada], we see that here is a field where international obligation and domestic policy have been welded toward a common purpose."³⁰

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³⁰ From the Foreword by James T. Shotwell in Brebner, *op. cit.*, p. ix.

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☆ IV ☆

THE UNITED STATES AND THE FAR EAST

13. AMERICAN RELATIONS WITH CHINA

14. AMERICAN RELATIONS WITH JAPAN

AMERICAN RELATIONS WITH CHINA

THE STORY OF THE EARLY CONTACTS of Westerners with the Celestial Empire is a long and often fascinating one, but this is not the place to tell it in all its details.¹ Although many of us think of China as having been hermetically sealed against foreign commerce prior to the nineteenth century, the fact of the matter is that there has been sporadic Western intercourse with that country since the sixth or seventh century before the Christian era. Particularly in modern times, however, the trade was subject to all manner of arbitrary interruptions on the part of the Chinese officials, which led to no end of difficulties.

EARLY CONTACTS AND TREATY SETTLEMENTS

As the Westerners saw it, the Chinese people and officials were basically perverse. For one thing, their government was unashamedly corrupt, and since a high official such as a collector of customs had paid heavily for his position and wanted to make a fortune during what would probably be a short tenure of office, he expected that his palm would be frequently crossed with substantial amounts of silver. Not only was this "squeeze" taken for granted but the same collector of customs rarely considered himself bound by the official imperial scale of tariffs; rather, he charged what the traffic would bear—often ten times the official rates—and waxed prosperous.

Trade with China in the modern era was conducted almost exclusively at Canton, where the physical conditions were not the happiest, from the traders' point of view. Traders had to remain within their "factory" or warehouse compounds; they were subjected to all manner of official and unofficial personal indignities; their wives could not accompany them but must remain at the Portuguese port of Macao, near the mouth of the Canton River; they were permitted to deal only with certain Chinese merchants who collectively formed a merchant guild known as the Co-hong; and the bureaucratic rules of the trading game were likely to be changed at any moment without notice.

¹ The story is told in a number of the books listed in the Selected References on p. 361. See, for example, those by Paul H. Clyde; Tyler Dennett; Hosea B. Morse; Hosea B. Morse and Harley F. MacNair; and Harold M. Vinacke.

Fairness requires it to be added that many of the foreign merchants and their employees were not the cream of genteel western-European society; in fact, they were often an obstreperous lot. To complicate relations still further, the Chinese officials took the haughty attitude that their emperor was the sovereign of the universe, that he was supreme over all other rulers, and that any external contact on the part of the Chinese was therefore a matter of the outer barbarians' coming to pay tribute to the Son of Heaven, who sometimes would graciously condescend to hear their petitions. The Chinese assumed the position that they had no need or desire for outside contact and that they were, consequently, conferring a great boon upon the foreigner by permitting him access to the country to buy tea or spices or silk.

➤ *The "Opium War."* The immediate ostensible cause of the forcible opening of China to Western trade on a treaty basis was the struggle known somewhat unfortunately as the "Opium War." For many years before 1840 a profitable trade in opium had been conducted at Canton. Imperial ordinances normally forbade the trade, but the local officials connived at its continuance because it was immensely profitable to them. The opium was therefore usually smuggled; but since the trade was a matter of common knowledge, smuggling was hardly the name for it. Sporadic attempts at reform came, fizzled out, and went. In 1839, however, the Emperor sent a Commissioner named Lin to Canton with orders to suppress the trade, and to the surprise of all concerned, Lin took his responsibilities seriously. The result was a seizure of Western-owned opium, accomplished slowly but peaceably. Meanwhile a Chinese was killed at Kowloon (near Hong Kong) by a party of rioting English sailors, and English authorities were unable to find the guilty parties. The Chinese opened military operations against the foreigners because of this killing, and the "Opium War" was on, destined to endure into the middle of 1842.

The war was fought only in small part over the opium trade. Bad blood had been developing for many years, and the edict for cessation of the opium business and the Kowloon killing of the Chinese were only the sparks that happened to be nearest the powder keg. It is an oversimplification to imply that the war was fought solely to protect the opportunity of the traders to bootleg the vile product of the poppy. Many grievances had long been developing. They came to a head in 1839-1842.

➤ *The Treaty of Nanking, 1842.* Military operations on the foreign side were conducted primarily by the British, and it was to them that the Chinese surrendered in mid-1842, after the British had seized Nanking. Two weeks later the Treaty of Nanking was signed, the first of the great modern Western treaties with China;² this was the entering wedge for the opening of China to

² There had been a Sino-Russian Treaty of Nerchinsk as far back as 1689, by which there had been mutual recognition of governments and boundaries; but the 1842 treaty was the first in the series with which modern international relations concern themselves.

regularized foreign intercourse. Its provisions were several: (1) the island of Hong Kong was ceded outright to the British; (2) five "treaty ports"—Canton, Shanghai, Ningpo, Foochow, and Amoy—were to be opened to Western merchants, and the foreigners were to be allowed to station consuls at these ports in order to protect the trade; (3) a money indemnity was paid to England because of its losses and expenses incident to the war; (4) the Co-hong trading monopoly was abolished; and (5) a uniform tariff was to be levied by China on imports and exports. The last point was of especial importance, as will be indicated later.

➤ *The Treaty of the Bogue, 1843.* A supplementary treaty, the "Treaty of the Bogue" was concluded the following year.³ Thereby limits were placed on the *likin* (inland transit taxes) that could be imposed on foreign goods; China agreed to grant England most-favored-nation treatment,⁴ and, most important of all, China was forced to accept the principle and practice of extraterritoriality. Under the last provision, China agreed to refrain from arresting or prosecuting Englishmen for any crimes that they might commit in China; rather, it would be the responsibility of the English consular authorities to arrest, try, and punish their own lawbreakers according to English law. Thus was planted a seed that later grew, as we shall presently see, into a most irritating international thornbush.

➤ *The Treaty of Wanghia, 1844.* It will have been noted that in the foregoing paragraphs reference has been made to English war or negotiations with the Chinese, rather than to foreign war or negotiations. It was in truth the English who formed the spearhead opening China to legalized Western commercial intercourse, through their treaties of 1842 and 1843. Other states followed the English lead. Thus in 1844 the American-Chinese Treaty of Wanghia was negotiated by the first American minister to China, Caleb Cushing.⁵ It did not differ materially from the 1842 and 1843 English treaties, but it was superior in clarity of wording and style and therefore served as a model for later ones, such as the French Treaty of Whampoa.⁶

➤ *Experience Under the Treaties.* Many of the foreigners had breathed

³ The name was derived from that of the "Bogue forts," which were Chinese defenses of Nanking along the river leading to it. Here the treaty was negotiated.

⁴ When state A grants most-favored-nation treatment to state B, A agrees that any concessions that may later be made to states C to Z will also be accorded to B. "Most favored nation" treatment may be "conditional,"—that is, granted on a basis of reciprocity of action by B; or it may be "unconditional,"—given without assurance of reciprocal action.

⁵ An interesting account of Cushing's appointment and negotiations will be found in Claude M. Fuess, *The Life of Caleb Cushing* (Harcourt, Brace, 2 vols., 1923), Vol. I, Chapter 10. See pp. 419-420 for the amusingly stilted letter of introduction of Cushing to the Chinese emperor. It was written by Secretary of State Daniel Webster for President Tyler's signature; knowing the Chinese deference to formalities and precedence, and not to be outdone by Orientals, Webster introduced "Count" Caleb Cushing to the Emperor.

⁶ The text of the Treaty of Wanghia will be found in P. H. Clyde, *United States Policy Toward China* (Duke University Press, 1940), pp. 13-21. This volume is a very useful collection of documents bearing on Sino-American relations.

sighs of relief by 1844, thinking that the way was now unreservedly open for trade. It developed that they were badly mistaken. They had overlooked the Chinese resentment against foreign intervention and war and the prevalent suspicion of all motives of the "foreign devils." Disputes quickly arose over the interpretation of the treaties in such matters as foreign purchase of land, travel away from the treaty ports, and extraterritoriality. China itself through the 1850's was caught in the grip of the mammoth Taiping Rebellion, which cost twenty million lives and was bound to disturb the normal activities of anyone in the country. Of the five treaty ports, only two—Canton and Shanghai—turned out to be very useful to the foreign traders; the usefulness of the others suffered severe limitations because of geographic location or the attitude of local officials. Opium smuggling continued and increased. Incident after incident arose in which foreigners became involved in violent conflict with Chinese. Cases in which foreign citizens beat Chinese because of alleged business irregularities, or in which Chinese tortured or killed missionaries who ventured too far into the interior from the treaty ports, could not be expected to contribute to the growth of true friendship and understanding. As a consequence of many such irritants, and especially of some particularly brutal murders of foreign citizens, the French and British decided, in 1857, upon punitive military action.

➤ *The Treaties of 1858-1860.* The military operations thereupon conducted were not widespread, but they had the desired effect of forcing the recalcitrant Chinese imperial government into new negotiations and revisions of the earlier treaties. In 1858 a new American treaty was concluded, which contained provisions for most-favored-nation treatment; for authorizing American ministers to go to Peking for special business, although not to reside there permanently; for toleration of Christian missionary work; and for extraterritoriality. The French and British treaties of the same year were similar, except that these two nations received indemnity from the Chinese for the recent military operations and the British obtained the right to navigate the Yangtze River, to trade in the interior, and to open ten more "treaty ports." An accompanying agreement fixed Chinese import tariffs at 5 percent ad valorem.

Further military operations ensued because of the Chinese attempt to evade ratification. Another round of negotiations took place in Peking in 1860, resulting in the conclusion of the treaties that remained the basis for foreign intercourse for the rest of the century. The agreements of 1860 were similar to those of 1858, but added authorization of Chinese emigration, of permanent residence of foreign ministers at Peking, of the opening of Tientsin to foreign commerce and residence, and of the English leasehold on Kowloon, the Chinese mainland peninsula across the harbor from Hong Kong. For years to come the Chinese were to complain bitterly about these and earlier treaties, on the ground that unfair concessions had been extorted by force. A good part of the history of Chinese-Western relations in the past century is the story of

being in the waters of the five ports of China open to foreign commerce, will be under the jurisdiction of the officers of their own government, who with the masters and owners thereof will manage the same without control on the part of China.⁷

Thus was established the principle that Americans should not be subjected to local jurisdiction but should be tried by their own consuls, under their own law, and punished accordingly. This was the essence of extraterritoriality. It is to be remembered that the presence of most-favored-nation clauses in the various treaties operated to grant to all foreigners protected by treaty the most advantageous rights or privileges (such as extraterritoriality) conceded to anyone.

➤ *Reasons for Extraterritoriality.* The insistence of the "foreign devils" upon such privileges was not without reason.⁸ It was based in one way or another on the quality of the Chinese judicial system. For example, the Chinese judge was not legally trained; his educational background, like that of other government officials, lay in the literary classics. Although most of the Chinese law was written down somewhere or other, it was, at least in the early days, not available readily to the foreigner, who was placed in the position, before 1843, of being responsible for obedience to laws unknown to him and which he could not even discover. In addition, under Chinese practice the judge was not bound solely by existing law but was himself authorized to define and punish new offenses. As there was nothing in the nature of a legal profession, foreigners could not hope for aid from trained lawyers. The judges were poorly paid, and generally they followed the pattern of the typical Chinese civil servant in expecting to supplement their salaries with "squeeze"; thus a court decision was likely to go to that litigant whose purse was heaviest.

Furthermore, Chinese law required that an accused person confess before he could be convicted, and it permitted that he or other witnesses be tortured. As though this were not bad enough from the Westerners' point of view, the ancient law of China required that someone must be held accountable for every crime. If, for example, one man committed a crime but avoided capture, his father, or possibly the whole village of which he had been a resident, might be held responsible for his crime and punished accordingly. And finally, the

⁷ From Articles 21 and 25 of the Treaty of Wanghia; see Clyde, *op. cit.*, pp. 18-19. The standard work on extraterritoriality in China is that by G. W. Keeton, *The Development of Extraterritoriality in China* (Longmans, Green, London, 2 vols., 1928). The details of the negotiation of the Treaty of Wanghia are given in that work in Vol. I, pp. 177-187, and the text of the treaty is in Vol. II, pp. 277-280. Other books of importance on this subject are: *Report of the Commission on Extraterritoriality in China*, Sept. 16, 1926 (GPO, 1926); F. E. Hinkley, *American Consular Jurisdiction in the Orient* (Lowdermilk, Washington, 1906); and Shih Shun Liu, *Extraterritoriality: Its Rise and Decline* (Columbia University Press, 1925).

⁸ It is interesting to note in passing that some other countries that have granted extraterritorial jurisdiction have done so, as Turkey did many years ago, because of their feeling that their laws and courts were too exalted to be wasted upon infidels. However, this was not the case in China. The foreigners, rather than the Chinese, demanded extraterritoriality.

jails were often filthy holes, and Chinese courts had never heard of habeas corpus proceedings. Western judicial practices at this time may have been rough and ready, but Europeans and Americans felt revulsion at the above-mentioned features of the Chinese system.

➤ *Exercise of Consular Jurisdiction.* As the nineteenth century wore on and numerous European states became entitled to extraterritorial privileges, a reasonably definite pattern of procedure evolved. The foreigner, when accused of crime, would be brought before his own consul and tried. In a few instances there were variations on this scheme. For example, a Mixed Court, with both foreign and Chinese judges on the bench, sat in the International Settlement at Shanghai. For another example, the United States Congress in 1906 established a United States Court for China. It had the status of a federal district court, and it was authorized to hear cases in original jurisdiction and by appeal from the courts of the several consular districts into which China was divided. Since it was geared to the regular American judicial system (appeals from it went to the United States Circuit Court in San Francisco), and since it sat at least once a year in various Chinese cities, it represented a considerable improvement on the consular discharge of these judicial functions.

➤ *Chinese Objections to Extraterritoriality.* That the Chinese came bitterly to detest and denounce the system of extraterritoriality is not surprising. It must be remembered that in the early nineteenth century their government had taken a most supercilious attitude toward the barbarians who insisted on buying Chinese tea or silk, and this feeling of superiority, colored with resentment at the unequal treaties, was fanned into hot nationalistic flames, especially after the revolution of 1911-1912, when the imperial government was abolished. Nationalism was one of the three basic "People's Principles" on which heavy stress was laid by the great revolutionary leader Sun Yat-sen. Certainly no nationalistic people could be expected to tolerate, any longer than necessary, the imputation of inferiority involved in extraterritoriality.

Beyond this, the foreigners' practice of their treaty rights was not always above reproach. The consuls were rarely legally trained, yet they were called upon to discharge judicial duties. They often displayed undisguised favoritism for their own citizens, thus contributing to the widely held belief that no consul would adequately punish a miscreant of his own nationality. Frequently, indeed, the consul would not sentence a criminal to jail simply because there was no jail available in which to confine him. There were still other serious shortcomings of the system. The American consul could, for example, subpoena an American to testify in a pending case, but he had no such jurisdiction over witnesses of another nationality, and therefore testimony essential to the attainment of real justice might not be forthcoming. Conflicts of various national laws naturally arose. Thus the extraterritorial system was by no means wholly satisfactory even to the privileged foreigners, to say nothing of the

Chinese. The latter were not slow to seize upon and publicize these deficiencies; and they were not hesitant to suggest that when in Rome one should do as the Romans do: submit to local jurisdiction.

➤ *Chinese Attempts to Abolish Extraterritoriality.* Even though the system in practice was far from perfect, the Westerners were loath to discard it. However poorly the consular courts performed, they were at least preferable to the Chinese judiciary, and no Western country wished to subject its citizens to local jurisdiction. Even after the 1911 revolution and the alleged material improvement in the judicial system the foreigners were not convinced that the improvement in the administration of justice was as great anywhere in China as the Chinese said it was, or that it was discernible at all outside of a few major cities.

The first direct evidence of Chinese progress toward abolition of extraterritoriality came in 1902-1903. In the former year an Anglo-Chinese treaty was signed that took note of Chinese aspirations toward judicial reform, and in it Britain agreed ". . . to give every assistance to such reform and she will also be prepared to relinquish her extraterritorial rights when she is satisfied that the state of Chinese laws, the arrangement of their administration, and other considerations warrant her so doing."⁹ Manifestly this was a highly qualified agreement on the part of the British, and one that did not demand rapid implementation. A year later the United States and Japan concluded similar treaties with China, and they also were slow in executing the agreements.¹⁰

➤ *The Washington Conference, 1921.* The Chinese attack on the privileged status of foreigners was carried further with an appeal to the Versailles Peace Conference to abolish the system, but the attempt was completely unsuccessful. The Chinese tried again at the Washington Conference of 1921, and failed again. That Conference did, however, provide for the creation of a commission of investigation, to be composed of one member from every state still enjoying extraterritoriality, whose duty it would be to survey the Chinese judicial system and to deliver findings and recommendations. Because of internal political disturbances in China, the investigation was not made until 1926, when an intensive on-the-spot examination of conditions took place.

In general the commission found that Chinese intentions were good, that some progress had been made, that there were serious objections to the extraterritorial system, but that much remained to be done before the foreigners

⁹ See John V. A. MacMurray, *Treaties and Agreements with and Concerning China, 1894-1919* (Oxford University Press, 2 vols., 1921), Vol. I, p. 351. This is an extremely useful collection of documents. It was supplemented by the Carnegie Endowment for International Peace publication *Treaties and Agreements with and Concerning China, 1919-1929* (Washington, 1929).

¹⁰ The text of the American treaty is found in Clyde, *op. cit.*, pp. 222-230; Article XV deals with extraterritoriality.

could safely be subjected to local jurisdiction. It demanded that further reforms be transferred from paper to practice, such as superiority of civilian to military control of the government, elimination of outside political or military influence on the judiciary, and great improvement in the enactment and enforcement of legislative codes.¹¹ Although the report was signed by all thirteen commission members, the governments involved were in no hurry to implement it. Meanwhile the Chinese government became increasingly and vehemently restive under the treaty restrictions, and in 1929 it demanded that they be removed. Again the Western powers were evasive in their replies. The response of the Chinese Foreign Minister was a thinly veiled threat of boycott and of anti-foreign disturbances which his government might not be able to control, if action were not promptly forthcoming; shortly thereafter he announced flatly that extraterritoriality would be unilaterally terminated as of January 1, 1930. This assertion was received by the foreigners as mere braggadocio, and nothing actually happened.

➤ *Appeal to the League.* At about the same time, in 1929, the Chinese appealed to the League of Nations to bring about treaty revision in accordance with the Covenant's Article XIX, which empowered the Assembly to "... advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world." The Assembly listened but did not act, doubtless at least in part because it feared that such action would set a precedent for a German request for revision of the Treaty of Versailles.

➤ *Partial Abolition of Extraterritoriality.* Thus in general the Chinese campaign was a failure, but to this generalization there came to be certain exceptions. For example, when China declared war on Germany and Austria-Hungary in World War I, it simultaneously abrogated all treaties with them and terminated their extraterritorial privileges. In the next ten years China successfully negotiated the conclusion of extraterritorial status for the citizens of Russia and of some minor powers; but the major ones continued their adherence to the treaties of 1843-1844 and 1860.

➤ *Complete Abolition of Extraterritoriality.* Through the 1930's no real change in the situation was registered. The Chinese government on a few occasions repeated its "abolition" of extraterritoriality, but the Western powers ignored the announcements and continued business as usual.

Finally, however, there came a break. Almost exactly a century after conclusion of the first treaties on the subject, in late 1942, the United States Department of State indicated to the Chinese ambassador its willingness to proceed to the drafting of a treaty that would terminate the hotly disputed

¹¹ See the entire *Report of the Commission on Extraterritoriality in China*, Sept. 16, 1926, especially Part IV, "Recommendations."

privileges. Obviously no one could maintain that the Chinese government was more efficient or more stable in 1942 than it had been a decade or two earlier; but one could—and we did—take the point of view that what was good enough for our wartime allies was good enough for us, and that a friendly gesture such as the abolition of extraterritorial jurisdiction might materially raise Chinese morale. At all events, in January 1943 a new treaty was signed, stating that:

All those provisions of treaties or agreements in force between the United States of America and the Republic of China which authorize the Government of the United States of America or its representatives to exercise jurisdiction over nationals of the United States of America in the territory of the Republic of China are hereby abrogated. Nationals of the United States of America in such territory shall be subject to the jurisdiction of the Government of China in accordance with the principles of international law and practice.¹²

Ratifications were exchanged and the treaty formally went into force on May 20, 1943—a date that may well be remembered as a landmark in Sino-American relations. From that date China was recognized as a legal equal in the matter of judicial administration, and it had thus won its long fight against what had come to be possibly the most loathsome of the unequal treaties. Even so, it is notable that the abolition of extraterritoriality came as a concession to the political-strategic necessities of a war; it is unfortunate that the abolition could not reflect final achievement of a well-ordered judiciary. At any rate, at this same time the British were negotiating a similar treaty with China, thus bringing to a close a full century of foreign consular jurisdiction.

THE TREATY TARIFF

A second major irritant to Chinese-Western relations was the conventional, or treaty, tariff regime. We have seen that in the days before the first treaties of the 1840's the traders often complained that the tariff rates were unknown and constantly fluctuating at the whim and to the profit of the local officials. Consequently the first British treaties, in 1842 and 1843, in addition to opening five ports and permitting the appointment of consular officers, provided that the Chinese should levy a tariff on exports and imports that was not to exceed 5 percent *ad valorem*, and that this rate should not be changed without the consent of both parties to the treaty. This was the origin of the conventional tariff system, which was widely applied not only to the British, but also to all other foreign traders.

At the inception of this policy its intent was mainly stabilization; the merchants simply wanted to know where they stood in terms of tariff rates.

¹² See *Docs. Am. For. Rels., 1942-1943*, p. 489; see *ibid.*, pp. 485-501, for texts of other relevant documents.

The policy also represented an application of the free-trade philosophy, which was then prevalent. But as time went on and the Chinese became more nationalistic, they complained increasingly about the inferior position in which their country was placed by virtue of its inability to regulate its own tariffs. The treaty tariff became, like extraterritoriality, a badge of humiliation, which the Chinese were determined to rip off as soon as possible. It not only was a derogation of their sovereignty but also very severely restricted governmental revenue.

➤ *The Versailles Conference, 1919.* China's entrance into World War I on the side of the Allies was due less to a love for the Allies than to a feeling that they would likely win, and that in such an event China, being on the victorious side, would be in a position to demand concessions from both the Germans and their conquerors. There was indeed little in the Allies' past treatment of China that would elicit grateful loyalty. The Allies accepted the new recruit, again not so much out of high idealistic motives as out of an expectation that thereby they would be able to eliminate postwar German commercial competition in the Orient. When the Versailles Conference met, the Chinese government made its anticipated demand for tariff autonomy, but it received precisely as little satisfaction on that score as it had in the matter of judicial autonomy.

➤ *The Washington Conference, 1921.* The situation changed, however, within three years. The Washington Conference convened in late 1921 to consider problems of disarmament and of the Far East. Again China pleaded for freedom to control its own tariffs, and with more success. In early 1922 the Nine Power Treaty on the Chinese Tariff was concluded, which, although it did not concede all that China desired, did allow considerable increases in the tariff rates.¹³ Financially, therefore, China improved its status as a result of the Conference; but politically it did not, for the principle remained that in order to change its own tariff rates it had to submit to the galling procedure of appealing to foreign powers for permission. The latter, on the other hand, could point to the perennially revolutionary and unstable political conditions in China, and could maintain that higher tariff revenues would not only be disturbing to trade but would merely put more money in the coffers of some war lord, so that there would be no net increase in income to the government proper.

➤ *Achievement of Tariff Autonomy.* The Washington Conference, then, did not by any means satisfy China's full desires, but it did move in that direction. It also provided for a commission to investigate the extent to which the Chinese government might be entrusted with the full responsibility that it sought. In late 1925 a tariff conference met in Peking. To it were again sub-

¹³ See W. W. Willoughby, *China at the Conference* (Johns Hopkins Press, 1922), pp. 377-380.

mitted China's demands for tariff autonomy. In a surprisingly short time, the powers agreed to abolish the tariff provisions in their treaties with China and to be bound by China's own tariff legislation starting January 1, 1929. China in turn agreed to abolish the internal tariff known as *likin*. Thus in 1929 China attained what other sovereign states have always had: the ability to fix tariff rates at will.¹⁴

CHINESE IMMIGRATION

The policy of the United States relative to the immigration of the Chinese has oscillated between the two extremes of free admission and virtually complete exclusion. The first policy was based on the fraternal feeling evident in the Burlingame Treaty of 1868, in which the reciprocal right of free immigration was recognized.¹⁵ The second was in considerable measure based on the "yellow peril" agitation of the west coast, where many emotional people envisaged a Fu Manchu landing in San Francisco and conquering the country after the fashion of Genghis Khan. Unfortunately from the point of view of friendly international relations, it was the latter attitude that was dominant from 1882 to 1943—during most of the period when there was any practical likelihood of Chinese immigration. In all fairness it should be added that the emotionalism inherent in the "yellow peril" agitation was not the sole source of opposition to the immigration of the Chinese. Labor unions feared that a lowering of the American worker's standard of living would result from the Chinese willingness to work for a fraction of the American's daily wage. Chinese exclusion to them was the workingman's counterpart of the manufacturer's protective tariff.

➤ *Exclusion of Chinese Immigrants.* Within ten years after the conclusion of the Burlingame Treaty a far less liberal attitude toward Chinese immigration began to manifest itself in the United States, and legislative rumblings of exclusion laws were heard. The first agitation came to a head with the negotiation of a new treaty in 1880, under which "... the Government of China agrees that the Government of the United States may regulate, limit or suspend such coming into or residence, but may not absolutely prohibit it." There followed an unseemly rush by Congress to "suspend" Chinese immigration for twenty years, but this was too obvious a breach of faith to escape a presidential veto; however, in 1882 Congress passed and the President signed a bill that not only suspended Chinese immigration for ten years but forbade the naturalization of Chinese.

The 1882 suspension was renewed in 1892 and in later years, and the principle of exclusion was tightened by numerous other pieces of legislation.

¹⁴ The story of China's campaign is told by Stanley F. Wright, in *China's Struggle for Tariff Autonomy, 1843-1938* (Kelly and Walsh, Ltd., Shanghai, 1938).

¹⁵ The text of this treaty will be found in Clyde, *op. cit.*, pp. 83-86.

Thus, long before the 1920's, when Congress became concerned with a post-war swell of European immigration and took steps to limit it, the Chinese were almost totally excluded from the United States; entrance was permitted to only a few categories, such as students who came for temporary residence.¹⁶ That such a policy should evoke Chinese diplomatic protest was to be expected. On more than one occasion the Chinese organized boycotts against the purchase of American-made goods because of our immigration policy, and these campaigns had at least temporarily disastrous effects on our trade.¹⁷ When American immigration laws were being revised in the mid-1920's it was often suggested that the Chinese be given a quota such as was applied to other aliens by the "national origins" immigration law; but Congress adamantly refused. Had China been granted a quota, she might quite possibly have been disappointed with its size, but if it had been computed on the same basis as those of other states she would have had no ground for complaint of discrimination. Protests by President and State Department were unavailing; Congress was determined upon a policy of exclusion.

➤ *Admission of Chinese, 1943.* By 1943 the inconsistency of the American attitude was apparent to all. On the one hand we were allied with the Chinese in the war against the Axis, and on the other our laws clearly implied that the Chinese were so inferior as to be unworthy of admission to our territory. In part to remove this discrepancy and in part to boost Chinese war-time morale, legislation was introduced into Congress to treat Chinese on substantially the same basis as other nationalities in the matter of immigration. President Roosevelt gave his support to such measures, and in a special message to Congress asked that they be passed. Said he:

Nations like individuals make mistakes. We must be big enough to acknowledge our mistakes of the past and to correct them. By the repeal of the Chinese exclusion laws, we can correct a historic mistake and silence the distorted Japanese propaganda. . . . Action by the Congress now will be an earnest of our purpose to apply the policy of the good neighbor to our relations with other peoples.¹⁸

The upshot was that on December 17, 1943, President Roosevelt signed the repeal legislation, with the remark that "an unfortunate barrier between allies has been removed." Under the new law the numerous restrictive acts then on the books were swept away and provision was made for admission of Chinese on the basis of a quota computed in much the same fashion as were the quotas of other countries under the "national origins" immigration law.

¹⁶ There is an excellent brief summary of Chinese-exclusion legislation in *Docs. Am. For. Rels., 1943-1944*, pp. 607-609, 612-616.

¹⁷ Documents bearing on the very severe boycott of 1904-1906, which was directly caused by the then recent exclusion legislation, will be found in Clyde, *op. cit.*, pp. 231-242. See also *ibid.*, pp. 140-158, for other documents bearing on the immigration question.

¹⁸ *Docs. Am. For. Rels., 1943-1944*, pp. 610-611.

It turned out that the Chinese would have an annual quota of 105.¹⁹ Furthermore, a very important section of the new law established the right of the Chinese to become naturalized citizens on the same basis as other aliens.

Thus, in 1943, by one stroke, much of this long-standing source of Sino-American bitterness was eliminated. One cannot resist a backward glance and some speculation as to what advantages the United States might have obtained if it had treated the Chinese on a basis of equality all along instead of veering off into discriminatory policies, as it did from 1882 to 1943. A diplomacy presumably designed to protect American national interests, including those of trade, operates in a most peculiar fashion when its discrimination antagonizes the customers. It will be remembered that in this venture into diplomacy Congress disregarded the advice of those who under our constitution are charged with the conduct of foreign affairs. The whole story is eloquent testimony to the practical impossibility of completely separating foreign from domestic policy.

In any case, 1943 was a happy year for those concerned with removal of old sources of Sino-American friction. Not only were immigration and naturalization matters revised but it will be recalled that China was permitted to throw off the chains of extraterritorial jurisdiction. Thus the Chinese were at long last ready to "... assume, among the powers of the earth, the separate and equal station to which the laws of Nature and of Nature's God entitle them."

THE OPEN DOOR POLICY

➤ *Early Background.* One who studies the policies of the European powers with regard to Africa in the nineteenth century soon learns that this continent of largely undeveloped peoples and resources was rapidly colonized in this period, mainly by Great Britain, France, and Belgium. So thoroughly was this colonization process executed that when Italy and Germany finally completed their national unification in the late nineteenth century and looked about for colonial conquests they were impelled to complain that the banquet had already been eaten and that nothing but crumbs was left for them.

Toward the end of the same century appearances indicated that Africa's fate might befall another tremendous and undeveloped area: China. The

¹⁹ The text of the law is in *ibid.*, pp. 611-612. The 1943 law still discriminates somewhat against the Chinese (as contrasted with Europeans) in that (1) no visa preference is given to the immediate family of a Chinese-American citizen, and therefore the family must enter under the regular quota of 105; and (2) nonquota status is denied to Chinese born and living in nonquota areas, most notably Latin America. Other immigrant aliens are charged to the quota of the state of their birth, but as applied to Chinese the law makes race rather than place of birth the determining factor. Furthermore, if a person has one-half blood of a race ineligible to citizenship, he is non-admissible. Thus the 1943 legislation is not wholly satisfactory even to the Chinese, and it discriminates even further against other Orientals. On this subject see T. A. Bisson, *America's Far Eastern Policy* (Macmillan, 1945), pp. 140-143.

treaties of 1842-1860 had not resulted in colonial domination of Asia, with the exception of Hong Kong, but by 1890-1900 it seemed that the Western Powers were about to remedy the apparent oversight. Rival imperialisms were focusing on China, whose government, as weak and corrupt as ever, could hardly prevent an acceleration of the process that had gone on for years, whereby neighboring states had nibbled off pieces of the periphery. Specifically, by the late nineteenth century, the following picture of imperialism presented itself:

Japan, the most up-and-coming of the Asian states, had defeated China in the Sino-Japanese War of 1894-1895 and had by the Treaty of Shimonoseki acquired Formosa, the Pescadores Islands (lying between Formosa and the mainland), and the Liaotung Peninsula, which was the strategic tip of Manchuria jutting south into the Yellow Sea.²⁰ The last-named conquest had to be retroceded to China, because of the tripartite intervention of Russia, France, and Germany—an intervention motivated far less by a feeling of friendship for the Chinese than by Russian imperialism, which coveted, and soon thereafter got, the Liaotung leasehold.²¹ At the same time Japanese intentions toward Korea were clear: the “dagger pointed at the heart of Japan” must be annexed by the latter. This annexation did not actually take place until 1910, but the preliminary moves were made many years earlier. Here was the making of one of the most explosive situations in the Far East: both Japan and Russia desired domination of Manchuria and Korea as matters of economic penetration and of national defense. These factors of the late nineteenth century have continued to our own day.

Still, as far as the western-European powers were concerned, outright imperialist acquisition did not appear to be the proper procedure, at least not at the outset. Rather, they devised the “spheres of influence” device, which accomplished much the same end as colonization would, without the attendant expense and military and administrative difficulties. By mutual agreement, the French were conceded a sphere of influence in south China: in Hainan Island, Kwangchowwan, and Kwangtung Province. The British were already established near the important south-China port of Canton: in Hong Kong and Kowloon. The Japanese sphere was a little farther north along the coast, at Amoy and the surrounding Fukien Province, which lay just to the west across the straits from Formosa. Still farther north, centering especially in Shanghai and extending into the Yangtze Valley, lay the British sphere. The Germans established themselves in Shantung Province, with headquarters at Kiaochow and the neighboring naval station of Tsingtao. Russians and Japanese alike, as

²⁰ The text of the Treaty of Shimonoseki is found in MacMurray, *op. cit.*, Vol. I, pp. 18-22.

²¹ A leasehold implies a treaty arrangement by which a foreign country paid a stipulated annual sum to China in return for complete territorial jurisdiction over the land involved.

previously noted, expressed great interest in Manchuria and Korea, although neither could be said to have had as strong a sphere of influence there as the other powers had farther south.

Such more or less informal understandings among the powers were often supplemented with foreign leaseholds, as at Kowloon, Tsingtao, and Weihaiwei, and with "nonalienation" agreements, by which China agreed with the foreign power that it would not cede the territory in question to any third power.

The pattern in these spheres of influence was in general the same: by gentleman's agreement, British interests, for example, would be supreme in the British sphere, and the other powers would stay out.²² This meant that British merchants would do the lion's share of trading, British bankers would make loans to the local Chinese government, and British bankers and engineers would finance and construct public works, roads, and railroads in the area. By the same token, French interests would be allowed a free hand in the French sphere, German interests in the German sphere, and so on. This arrangement had manifest advantages from the European standpoint.

From the American standpoint, however, these spheres of influence had equally manifest disadvantages. The United States had no sphere of influence, but wished freedom to trade anywhere. We also insisted that the right of missionary endeavor should be conceded, as such endeavor had long been one of the major American interests in China; about one thousand American missionaries were working in China in 1900.²³ Secretary of State John Hay, surveying the Far Eastern scene in the closing months of the nineteenth century, had cause for alarm. If Japan and Russia wished pieces of Chinese territory, as they obviously did, might not the same be true of other powers? Might not the spheres of influence be easily converted into outright colonies on the African model?²⁴ This conversion could have been accomplished with great facility, approximately in this fashion: a foreign missionary or trader goes farther into the interior than regulations permit. He is murdered by irate, anti-foreign Chinese. His mother country then lands troops on a punitive expedition to "teach the natives a lesson." The lesson having been taught, the troops remain.

²² For documents illustrative of the sphere-of-influence and nonalienation agreements, see MacMurray, *op. cit.*, Vol. I, pp. 98, 104, 112, and 152.

²³ See Kenneth S. Latourette, *A History of Christian Missions in China* (Macmillan, 1929).

²⁴ The Englishman A. E. Hippisley, a behind-the-scenes prime mover of the Open Door policy, succinctly stated the possibilities in mid-1899: "Spheres of influence—euphemistically termed 'the economic and geographical gravitation of certain portions of the Chinese Empire'—have now been recognized and must be treated as existing facts. So far, however, the special rights and privileges claimed by each Power in its own sphere, consist only of preferential or exclusive rights to construct railroads and exploit mines in it. They have not as yet been extended to a claim to impose a differential tariff on merchandise consumed in or passing through it; but how soon such a claim may be advanced no one can say." Quoted by A. W. Griswold, in *The Far Eastern Policy of the United States* (Harcourt, Brace, 1938), p. 66.

A protectorate, and later a colony, is created. Such a procedure had been followed in Africa and might well be duplicated in China.²⁵

➤ *Anglo-American Community of Interests.* Quite apparently it was to the advantage of the United States to forestall a "cutting of the Chinese melon," because it would presumably result in termination, or at all events great restriction, of the activity of American businessmen and missionaries in China. By a historical accident of great significance, British interests at the end of the century were similar to American. At least two thirds of China's foreign trade was with England, and the latter naturally wished to continue this happy state of affairs. It was clearly to London's advantage to keep open all possible avenues of trade, for Britons no less than Yankees could foresee a bleak future in China if the other powers colonized it.

Furthermore, as a power of far-flung commitments, England was then involved in rivalries with France in Africa, with Russia in the Near East, and with Germany in naval and commercial matters, to say nothing of the Boer War in South Africa. Being involved in so many competitions, and desiring to maintain her balance of power, Britain wanted friends. It was only a few years later (in 1902) that the British concluded the Anglo-Japanese Alliance, which in part fulfilled their need for friends. It will be recalled that in the closing years of the nineteenth century Britain yielded gracefully to American desires in the Caribbean, in the matters of the Venezuela-British Guiana boundary dispute and the negotiation of the Hay-Pauncefote Treaty, by which England conceded the exclusive right of the United States to build and maintain the Panama Canal. The situation in China was part of the over-all world picture that the British Foreign Secretary must keep in mind.

➤ *Proposal of the Open Door Policy.* In 1823 the British and the Americans had found an identity of interest that ultimately led to the pronouncement of the Monroe Doctrine. Seventy-five years later and on the other side of the globe, a similar picture presented itself. Therefore, in early 1898, the English government quietly suggested to the American that cooperative action to forestall Western colonization of China might be advisable. But President McKinley, preoccupied with Spain and Cuba, rejected the overture. A year or two later, however, the picture had changed: the Spanish-American War had ended with the United States in occupation of the Philippines. The United States in those years was becoming not only a world power but, what is more important at the moment, a Far Eastern power.

Under the impact of these changes, Secretary of State John Hay in late 1899 addressed notes to Britain, Russia, Germany, France, and Japan setting forth the idea that the United States would welcome a joint international declaration

²⁵ It was such a sequence of events that led someone to remark, not irreverently, that to the imperialist a missionary was worth more dead than alive.

... to the effect that each in its respective spheres of interest or influence—

First. Will in no wise interfere with any treaty port or any vested interest within any so-called "sphere of interest" or leased territory it may have in China.

Second. That the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said "sphere of interest" (unless they be "free ports"), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.²⁶

Such a declaration amounted essentially to a reiteration of the plea for continued application of most favored nation treatment in China, and thus it was by no means brand-new. That such self-denial would not greatly attract imperialistic powers is not surprising; yet they could not face the world with a frank disavowal of concurrence in Secretary Hay's proposals. The answers therefore were guarded and in most cases pledged acquiescence contingent upon unanimous agreement; the one exception was Russia, which scarcely bothered to veil its complete dislike of such talk. In 1900 Hay announced that, since all acceptances (except Russia's) were conditioned upon other acceptances, he would consider that the nations were now united in support of the principles he had announced. To say that the American Secretary of State was popular in European chancelleries after this coup would be to trifle badly with the truth.

➤ *Meaning of the Open Door in 1900.* Several things should be observed in connection with this important pronouncement of policy. First, as noted above, the policy was really not a new one but a restatement of the most favored nation principle, which was rooted in the earliest of the modern treaties with China. As John Hay said, the United States was only suggesting a desire for a "fair field and no favor," about which there was nothing novel. Secondly, the policy was of dubious binding strength, because of the conditions that various powers had imposed on their acceptance and because of the means

²⁶ Text in Clyde, *op. cit.*, pp. 213-214. Good descriptions of the origin and meaning of the Open Door policy will be found in the following: M. J. Bau, *The Open Door Doctrine in Relation to China* (Macmillan, 1923); A. W. Griswold, *op. cit.*, pp. 36-86, 475-502; Foster R. Dulles, *Forty Years of American-Japanese Relations* (Appleton-Century, 1937), pp. 21-52; Paul H. Clyde, *The Far East* (Prentice-Hall, 1948), Chapter 16; A. L. P. Dennis, *Adventures in American Diplomacy* (Dutton, 1928), Chapter 8; MacMurray, *op. cit.*, Vol. I, p. 235; and George F. Kennan, *American Diplomacy 1900-1950* (University of Chicago Press, 1951), Chapter 2.

chosen by Hay in publicizing the policy. Thirdly, its operation was by definition limited to treaty ports, tariffs, harbor dues, and railroad charges. There was no indication of intention to guarantee the territorial integrity of China, an idea that the British had suggested in 1898 and that was later to become the backbone of the Open Door as it is generally understood. Fourthly, the policy was not based upon treaty. In origin its foundation was simply diplomatic notes of questionable meaning and validity, although by the time of the Washington Conference, two decades later, it was to be written into the Nine Power Treaty of 1922. Fifthly, the spheres of influence were not disturbed by the new pronouncement. They remained and were bound to remain unless the United States destroyed them by force of arms, and of this there was not the slightest possibility. Secretary Hay himself stated that "... we are not at present prepared singly, or in concert with other Powers, to enforce these views in the East by any demonstration which could present a character of hostility to any other Power."²⁷

➤ *Motivation of the Open Door Policy.* The question of motivation of a policy is always important. In the case of the Open Door, it is clear that two intentions were present. First, there was the motive of protecting American commercial rights in China, which might well have been extinguished or seriously restricted had the powers gone on to convert their spheres of influence into outright colonies. As a matter of fact, however, American trade and investments in China have never been as large or profitable as many have assumed. Secondly, our government was concerned with protecting the activities of Christian missionaries. In fact, a considerable part of the general American preoccupation with China has stemmed directly from the churchman's desire to safeguard and advance missions in that country. Doubtless originating largely in this attitude is the further one of considering ourselves the "big brothers" of the Chinese. American policy has been concerned less with exclusive commercial rights than has that of other major powers, and we have often tended to rise to the diplomatic if not the military defense of China when that country appeared to need a helping hand from abroad.

➤ *Territorial Integrity.* To Americans, mention of the Open Door automatically brings the mental response of protection of Chinese territorial and administrative integrity. Although, as has been seen, this feature was not included in John Hay's original statements of 1899 and 1900, protection of the Asian mainland against imperialist aggrandizement was soon added, as a result of the Boxer Rebellion. This revolt was directed at the "foreign devils" who were held to be responsible for China's innumerable ills, and during its course foreigners were murdered, imprisoned, and besieged in their legation compounds. Punitive expeditions might have been organized against China after the rebellion was put down; the revolt could have provided an excellent pretext

²⁷ Quoted in Dulles, *op. cit.*, p. 50.

for precisely the kind of colonization that had aroused the fears of the United States and Great Britain in 1898 and 1899. Russia, as a matter of fact, did occupy Manchuria under the guise of Russian protection and Chinese punishment, and other powers might well have followed suit. This very real danger impelled Hay to issue a circular to the other powers in July 1900, in which he stated that

... the policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.²⁸

Thus did Hay come to include in his policy an element which the British had originally suggested in 1898 but which had not at that time appeared acceptable to the government of the United States. In any event, through the years since 1900, the Open Door has become virtually synonymous with the protection of China against colonization, as well as the literal application to commerce of the title. But whether one speaks of the 1899 or the 1900 facet of the policy, it is apparent that during most of the years that have since elapsed the United States has not been prepared to back up its commitments in the Far East with that military force which alone could really guarantee the execution of the policy. It is this common failure of American policy to which Walter Lippmann has so eloquently drawn attention.²⁹

➤ *Applications of the Open Door.* Although the Open Door doctrine was not embodied in a general international treaty until 1922, it by no means lay dormant from 1900 to that date. President Roosevelt's diplomatic intervention in the Russo-Japanese War of 1904-1905 was largely occasioned by his recognition of the likelihood that Russian imperialism would close the door on Manchuria and other areas of the Far East; it is ironic that Russian imperialism was recognized for what it was, but Japanese imperialism was not. Suspicions of Japanese intention to close the door soon arose, however, but it was hoped that they might be allayed. Accordingly the American Secretary of State and the Japanese ambassador in Washington negotiated the famed Root-Takahira Agreement, under which both countries accepted the obligation to respect each other's Pacific possessions and to preserve the independence and territorial integrity of China and the principle of equal commercial opportunity for all nations in that country.³⁰ The Japanese were replacing the Russians in our fears of imperialism, and there was hope that such an agreement might provide a restraining influence.

²⁸ Clyde, *op. cit.*, p. 216; Griswold, *op. cit.*, pp. 501-502.

²⁹ See Walter Lippmann, *U.S. Foreign Policy: Shield of the Republic* (Little, Brown, 1943).

³⁰ See MacMurray, *op. cit.*, Vol. I, p. 769.

➤ *The "Twenty-one Demands."* All those familiar with the intentions and westward pressure of Japanese imperialism took with appropriate reserve any lip service paid by the statesmen of Japan to the principle of Chinese independence and the Open Door, whether expressed through the Root-Takahira notes or otherwise. Even to these people, however, the boldness of the Japanese in early 1915 was astonishing. While western Europe was at war and the United States, the traditional intercessor for China, was busy trying to remain uninvolved, the Tokyo government presented the Chinese with the famous "Twenty-one Demands," which, if fully carried out, would have effectively brought most of China's government and economy under Nipponese control.³¹

China was ordered not to grant territorial or economic privileges to powers other than Japan; the latter was to be given preferment in foreign loans and in mine and railway construction and exploitation; Japanese "advisers" were to be installed in the Chinese government, to function in such a way as to make China completely subservient to Japan in numerous important respects; and China was required to agree to whatever arrangements Japan might make with Germany concerning the latter's interests and leaseholds in Shantung Province. Japan was already in military occupation of that province, and its plan was obviously to take over completely; this in fact it did, but was forced by the Washington Conference to disgorge. Japan even had the effrontery to speak of one of the Twenty-one Demands as having the "... object of effectively preserving the territorial integrity of China, ..." although this was the one thing which the demands could be depended upon not to do. Under pressure of war and without the possibility of outside assistance, the chronically weak Chinese government had no alternative but to knuckle under and carry out the orders forced upon it. The episode indicated clearly one major source of opposition to a truly Open Door. As one observer has said, the demands "... were a contemptuous denial of the whole concept of the Open Door."³²

➤ *The Lansing-Ishii Agreement, 1917.* The Chinese may well have wondered within the next two years whose side the United States was on, because in 1917 a special Japanese ambassador, Ishii, came to an agreement with Secretary of State Robert Lansing to the effect that the two governments "... recognize that territorial propinquity creates special relations between countries, and consequently the Government of the United States recognizes that Japan has special interests in China, particularly in that part to which her possessions are contiguous." Then, as though with a conscience haunted by the memory of John Hay and 1900, the agreement stated:

³¹ On the Twenty-one Demands, see the text in *Foreign Relations of the U.S.*, 1915, pp. 99-103; Samuel F. Bemis, *Diplomatic History of the United States* (Holt, 3rd ed., 1950), pp. 679-685; Clyde, *The Far East*, pp. 381-391; Griswold, *op. cit.*, pp. 185-198; and Dulles, *op. cit.*, pp. 109-113, 125-132.

³² Dulles, *op. cit.*, p. 110.

The Governments of the United States and Japan deny that they have any purpose to infringe in any way the independence or territorial integrity of China, and they declare, furthermore, that they always adhere to the principle of the so-called "open door" or equal opportunity for commerce and industry in China. Moreover, they mutually declare that they are opposed to the acquisition by any government of any special rights or privileges that would affect the independence or territorial integrity of China, or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.³³

Lansing evidently hoped that by the "territorial propinquity" clause he was simply calling a spade a spade, and that by the Open Door sections he was achieving some limitation on Japan's actions vis-à-vis China. It is possible that the apparent concession on his part was to be traced to a fear that if it were not made Japan would cease fighting on the side of the Allies. In any case, the agreement was so vague and ambiguous as hardly to represent a real meeting of minds. Read literally, it was of course a statement of the simple fact that nations close to each other geographically have special relations and interests; however, as the Japanese read it, it became a blanket authorization to do as they pleased in China. It turned out that the agreement was cancelled in 1923, as well it might have been, because the Nipponese interpretation of it was certain to collide with the Open Door concept as written into the Nine Power Treaty of 1922.

➤ *The Washington Conference, 1921.* The international conference that convened in Washington in 1921 was of far more than usual importance.³⁴ It has two main claims to fame: (1) it produced the famous "5-5-3" naval ratio, and (2) it dealt with certain important aspects of the struggle for power in the Pacific region.

The British, Americans, and Japanese agreed that they would reduce their naval armaments so that the first two would have 500,000 tons each of capital ships³⁵ and the Japanese 300,000 tons. Thus was averted, at least for the duration of the treaty (that is, until 1937) what promised to be a gigantic naval building race.

Although Japan was unhappy over its ostensibly inferior position, it really had more security than the figures indicated. The British and Americans had world-wide areas and interests to police, whereas the Japanese could concentrate their ships in the waters of the western Pacific, close to home. Thus for practical home-defense purposes the Japanese navy was at least as large as

³³ Quoted in Griswold, *op. cit.*, p. 215; see also Dulles, *op. cit.*, pp. 115-119.

³⁴ On the Washington Conference, see Raymond L. Buell, *The Washington Conference* (Appleton, 1922); Dulles, *op. cit.*, Chapter 11; Yamato Ichihashi, *The Washington Conference and After* (Stanford University Press, 1928); Robert T. Pollard, *China's Foreign Relations, 1917-1931* (Macmillan, 1933); W. W. Willoughby, *China at the Conference*.

³⁵ For the purposes of this treaty, a "capital ship" was defined as one of more than 10,000 tons displacement. The Washington treaty placed no limitation on tonnage in smaller ships, such as destroyers and cruisers.

either of the other two, and there was accordingly little chance that any one of the three would attack one of the other two in the Pacific. Tokyo's position was further improved by the treaty provision by which the three powers agreed to a standstill in fortification of their island possessions (except the Japanese home islands) in the Pacific. The United States had little in the way of fortifications west of Pearl Harbor, and this agreement effectively prevented further arming of Guam or the Philippines; this was all to the good, as far as Japanese security was concerned. Still, Japan felt somewhat put upon by this treaty.

➤ *The Anglo-Japanese Alliance, 1902.* In 1902 the famous Anglo-Japanese Alliance had been concluded; it had been renewed and amended in 1905 and 1911.³⁶ It was the immediate outcome of the English search for stable international friendship about the turn of the century; in 1904 came the Entente Cordiale with France, which was similarly motivated. In its 1911 form, the alliance provided that if one of the parties were attacked by any third power, the other party would come to the aid of the victim of the attack.

When the United States Senate had been considering, in 1919-1920, the advisability of the Versailles Treaty and the League Covenant, one objection persistently raised to the latter had been that, since England and the five Dominions would each have one vote in the League Assembly, all six votes would be cast in a bloc against the United States. Many at that time were convinced that the objectors were Anglophobes seeing the little man who wasn't there, and that as a matter of fact England would have no such control over the policies of the Dominions. We come now to evidence of the truth of the latter contention.

The Anglo-Japanese Alliance was quite satisfactory from the points of view of the two principals, but others bitterly disliked it. Among these, possibly the most prominent were the Canadians. They reasoned along the following lines: there had been bad blood between the United States and Japan at least since Roosevelt's intervention in the settlement of the Russo-Japanese War, in 1905; there was no telling when war might break out between the two; if the United States attacked Japan, Britain would be bound by the alliance to come to the aid of its Eastern ally, and there would be pressure upon Canada to do likewise; however, Canada had no stomach for such a war, partly because of its peaceful relations with its neighbor but also because a war between Canada and the United States would be disastrous to the former; in order to avoid such an eventuality, the Canadians felt that they must prevail upon the British to abrogate the alliance. Similar pressure was brought by the Australians and the Americans, and the result was the Four Power Treaty of December 1921,

³⁶ For the successive texts, see MacMurray, *op. cit.*, Vol. I, pp. 324, 516, and 900. See also A. L. P. Dennis, *The Anglo-Japanese Alliance* (University of California Press, 1923), and Chung-fu Chang, *The Anglo-Japanese Alliance* (Johns Hopkins Press, 1931).

which in effect converted the old Anglo-Japanese Alliance into an Anglo-Japanese-French-American consultative pact.

► *The Four Power Treaty, 1921.* The following agreements were embodied in the treaty:

The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to a joint conference to which the whole subject will be referred for consideration and adjustment.³⁷

It was further agreed that upon deposit of ratifications of the new treaty the old alliance would terminate. These ratifications were forthcoming and the Four Power Treaty came into operation, its origin proof of the fact that the British dog could be wagged by the Canadian tail. The treaty provision for consultation presumably added to the security from aggression in the Pacific which had been initially provided by the 5-5-3 ratio and the fortifications-standstill agreement. Japan had no need to worry about American or British attack. Therefore the Western powers demanded concessions from Japan in the form of the self-denial implicit in the Nine Power Treaty. Again the Japanese government was unhappy, but there was nothing it could do about it.

► *The Nine Power Treaty, 1922.* Thus were solved some of the naval and political problems of the Pacific area, although not to Tokyo's satisfaction. We must not leave the Washington Conference, however, without taking further note of the Nine Power Treaty of 1922, in which, for the first time, the idea of the Open Door was written into a multilateral treaty of general application, and one to which China itself was a party. The important parts of this treaty are as follows:

Article I. The Contracting Powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectively establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of sub-

³⁷ See Buell, *op. cit.*, pp. 399-403; Willoughby, *op. cit.*, pp. 367-368.

jects or citizens of friendly states and from countenancing action inimical to the security of such states.³⁸

Thus the Open Door was written into international law, at least for those powers which had interests in the western Pacific. Of course this treaty, like the Four Power Treaty, the League Covenant, and the Kellogg-Briand Pact of 1928, was completely ignored by the Japanese when they launched the "China Incident" in Manchuria, in 1931. In 1931 and 1932 various states and the League of Nations protested against the Japanese actions on the grounds of their violation of the above-mentioned treaties. But the protests were only on paper, and they could not stop an army whose leaders were bent on imperialist expansion. The sad fact is that the Open Door policy has never succeeded in keeping the door open when any strong power was seriously interested in shutting it.³⁹

CHINA SINCE 1945

With World War II there arose a whole new complex of problems in the relations of the United States with China. One of these problems involved the territorial dispositions made as a result of the Cairo and Yalta conferences; another concerned the civil war between Chiang Kai-shek's Nationalists and Mao Tse-tung's Communists.⁴⁰

➤ *The Cairo Conference, 1943.* When Franklin Roosevelt met Winston Churchill and Chiang Kai-shek in Cairo in 1943, it was agreed that at the end of the war Japan would lose all territories seized from the Chinese and others since 1914, that Manchuria and Formosa would be returned to China, and that "in due course" Korea should become free and independent.⁴¹ This served as a temporary statement of war aims.

➤ *The Yalta Meeting, 1945.* Chiang Kai-shek had been consulted at Cairo, but not at the Anglo-American-Russian meeting at Yalta in early 1945. However, some of the arrangements made were of only indirect concern to China, such as the pledges to the Soviet Union that Karafuto (the southern half of the island of Sakhalin), which Japan had acquired in 1905, as a result of the Russo-Japanese War, would be returned and that the Soviet Union

³⁸ Text in Willoughby, *op. cit.*, pp. 371-374; see also Clyde, *United States Policy Toward China*, pp. 281-283. The nine signatory powers were the United States, Great Britain, China, France, Italy, Japan, Belgium, the Netherlands, and Portugal.

³⁹ Theodore Roosevelt once wrote to William Howard Taft: "... the Open Door policy completely disappears as soon as a powerful nation determines to disregard it and is willing to run the risk of war." Quoted by David J. Dallin, in *The Big Three* (Yale University Press, 1945), p. 200. The fate of Manchuria at the hands of the Japanese in the early 1930's and at the hands of the Russians in the late 1940's would appear to document this statement.

⁴⁰ The course of American relations with China since 1945 may be conveniently followed in *United States in World Affairs, 1945-47*, pp. 280-299; *ibid.*, 1947-48, pp. 182-202; *ibid.*, 1948-49, pp. 259-287; *ibid.*, 1949, pp. 45-65, 421-436; *ibid.*, 1950, pp. 399-406.

⁴¹ *Docs. Am. For. Rels., 1943-1944*, p. 233.

would receive the Kurile Islands, which extend from Japan northeasterly to Kamchatka.

Other decisions, however, were of immense interest to China: (1) the pledge of maintenance of the *status quo* for Outer Mongolia, which, although theoretically Chinese, had long been under Russian influence; (2) the agreement that the port of Dairen, in the strategic Liaotung Peninsula of southern Manchuria, should be internationalized, with recognition of "the preeminent interests of the Soviet Union in this port being safeguarded and the lease of Port Arthur as a naval base of the USSR restored"; and (3) the stipulation that "the Chinese-Eastern Railroad and the South-Manchurian Railroad which provides an outlet to Dairen shall be jointly operated by . . . a joint Soviet-Chinese Company, it being understood that the preeminent interests of the Soviet Union shall be safeguarded and that China shall retain full sovereignty in Manchuria."⁴² President Roosevelt undertook to obtain the concurrence of Generalissimo Chiang in these arrangements.⁴³

The grants of south Sakhalin and the Kuriles were regarded simply as corrections of old wrongs, and as legitimate war spoils; Outer Mongolia had not for years been within the range of effective Chinese control; but the ethics of the Manchurian deal have been widely questioned. It is clear that the practical effect of the provisions concerning Manchuria was to establish Russia in control of Manchuria and to ignore the traditional American principle that the territorial integrity of China must be preserved. Russia entered the Pacific war coincident with the dropping of the second atomic bomb and proceeded immediately to occupy Manchuria; its troops remained there until 1946, when they were replaced by those of Chinese Communists, so that in either case the Chinese Nationalists were effectively excluded. Although Dairen was theoretically to be internationalized, it has been as effectively sealed to all but Russian-dominated traffic as has been the naval base at Port Arthur.

As it turned out, therefore, the net result of the Yalta meeting as far as Manchuria is concerned was to provide direct or indirect Soviet domination at the expense of the established Chinese government. This was, however, not the only important result of the Yalta arrangements, from the point of view of the United States. The defeat of Japan in 1945 and the war prostration of China

⁴² *Docs. Am. For. Rels.*, 1944-1945, p. 356.

⁴³ The Chinese obviously had little choice but to comply. In August 1945 a Sino-Russian treaty of friendship and alliance and other agreements were signed in Moscow, under the terms of which China agreed to the Yalta arrangements concerning Manchuria, Outer Mongolia, Dairen, and Port Arthur; Chinese sovereignty over Manchuria was recognized. *Docs. Am. For. Rels.*, 1945-1946, pp. 825-832. For discussion of the 1945 treaty, see *United States Relations with China*, Dept. St. Publ. No. 3573 (GPO, 1949), pp. 116-126; for texts of the treaty and of the accompanying agreements, see *ibid.*, pp. 585-596. See also David J. Dallin, *Soviet Russia and the Far East* (Yale University Press, 1948), Chapters 10 and 11.

had the effect of creating a power vacuum in the Far East. On the one hand, the United States was ensconced in Japan; with its line of defense considered to run through Okinawa, and possibly Formosa, to the Philippines. On the other hand, the Soviet Union, long in possession of Far Eastern territory, was now in occupation of the Kuriles, the long-coveted Manchuria, and North Korea and, presumably, through Mao Tse-tung, had a foothold in China; moreover, it was in a position, by means of local Communist movements, to influence events in Indo-China, Burma, India, and Indonesia. The interests of these two world powers conflicted through virtually the whole of the Far East, and provided the raw materials for war in Korea or China. Of course the latter was the great bone of contention—a prize which by 1950 seemed clearly within the sphere of influence of the Kremlin.⁴⁴ The war that began in 1950 in Korea and the Russo-American conflicts over occupation policy in Japan and final peace with that country were reflections of the attempts of each of the two major powers to fill this power vacuum to his own satisfaction.

➤ *China's Internal Problems.* For generations China has been a sick, enfeebled giant, and especially has this been true in recent years. The Japanese-American war in the Pacific meant to China a continuation of an intermittent struggle against Japan that dated from 1894-1895. World War II was for the Chinese a two-front operation: on one front they fought the Japanese, and on the other the Nationalists fought a civil war against the Communists led by Mao Tse-tung. Indeed, many outsiders were convinced that Chiang Kai-shek devoted his energies and troops mainly toward the latter operation. In any case, by 1945 the traditionally poverty-stricken Chinese people were weighed down by ruinous inflation and food shortages, as well as by a Nationalist bureaucracy that was reactionary, dictatorial, incompetent, and corrupt.

➤ *Civil War.* The victory over Japan in 1945 permitted Chiang to turn his full force against the Communist rebels, but it soon became apparent that he was not equal to the assignment. When the Soviet troops left Manchuria in 1946 the Chinese Communists moved in, and by 1948 they controlled the whole area. Thereafter they proceeded to the conquest of the capital and other strategic parts of China proper. In December 1949 Chiang Kai-shek fled to Formosa, thus confessing defeat on the mainland.

➤ *American Policy, 1944-1946.* In 1944-1945 General Joseph Stilwell⁴⁵ and Ambassador Patrick J. Hurley⁴⁶ tried without success to persuade Chiang to effect domestic reforms and peaceful cooperation with the Communist forces. In late 1945 General George C. Marshall was appointed to a special

⁴⁴ On these Russo-American antagonisms, see Dallin, *op. cit.*, Chapters 13 and 14; also Pauline Tompkins, *American-Russian Relations in the Far East* (Macmillan, 1949), especially Chapter 14.

⁴⁵ See Theodore H. White, ed., *The Stilwell Papers* (Sloane, 1948). Reading this volume, one understands how Stilwell earned his sobriquet "Vinegar Joe"; his unveiled contempt for Chiang is well illustrated in Chapters 10 and 11.

⁴⁶ On Hurley's mission, see *United States Relations with China*, pp. 59-112, 561-584.

mission with the same general purpose. At first it appeared that he had succeeded in reconciling the Nationalist-Communist differences, but long before the termination (in January 1947) of his attempt it became apparent that he too had failed.⁴⁷ The people were evidently hungry, war weary, and disillusioned by the failure of the Nationalist government to clean house and provide a semblance of efficient and honest government. On the other hand, the Communists, unrestrained by the responsibility of administering the government, or by scruples as to the accuracy of their propaganda, offered an attractive alternative program, which sometimes consisted simply in actual execution of the paper promises that the Kuomintang had been making for years. Government in areas controlled by the Communists was relatively honest, and they made a start on such reforms as reducing usurious interest rates and making land available to the peasants.⁴⁸ In 1944-1946 the efforts of the United States government were directed toward the task of bringing these two contending parties together in support of a united and democratic China, but neither group wanted such collaboration on terms laid down by the other.

➤ *Shifting American Policy.* As time wore on, it became increasingly apparent that Chiang would not liberalize his regime unless the United States brought financial and other pressure to bear to force him to do so, and this we were not willing to do. Debate in the United States raged as to our proper course of action. One school of thought, led by such men as General Claire Chennault, of "Flying Tiger" fame, publisher Henry Luce, and Representative Walter Judd, without denying the corruption and incompetence of the Chiang regime, maintained nevertheless that our true interest demanded its increased support, simply because there was no better alternative available to the opposing Communists. On the other hand, many people pointed to the fact that we had, between V-J Day and mid-1949, given some two billion dollars' worth of aid to Chiang, in addition to selling much equipment below cost, and that it all appeared to have been water poured down a gopher hole. The State Department came more and more to be identified with the latter group; it adopted a

⁴⁷ For a detailed discussion of the Marshall mission, see *United States Relations with China*, pp. 127-229, and the documents on pp. 605-695. General Marshall became disgusted with both the ruling Nationalist party (the Kuomintang) and the Communists. For documents indicating his attitude, see, in addition to those just cited, *Docs. Am. For. Rels.*, 1947, pp. 572-575; *ibid.*, 1948, pp. 546-550; see also the statement by Lt. Gen. Albert C. Wedemeyer, *ibid.*, 1947, pp. 578-580.

⁴⁸ See *Thunder Out of China* (Sloane, 1946), by Theodore H. White and Annalee Jacoby; they state, on pp. 201-202, that "the entire Communist political thesis could be reduced to a single paragraph: If you take a peasant who has been swindled, beaten, and kicked about for all his waking days and whose father has transmitted to him an emotion of bitterness reaching back for generations—if you take such a peasant, treat him like a man, ask his opinion, let him vote for a local government, let him organize his own police and gendarmes, decide on his own taxes, and vote himself a reduction in rent and interest—if you do all that, the peasant becomes a man who has something to fight for, and he will fight to preserve it against any enemy, Japanese or Chinese." Reprinted by permission of William Sloane Associates, Inc.

policy of giving some aid to Chiang, but of sitting, for the most part, on the side lines.

► *The 1949 White Paper.* A clean break with Chiang came in August 1949, when the Department of State published its White Paper on China.⁴⁹ This thousand-page-long collection of diplomatic correspondence and other documents bearing on Sino-American relations over the past century but especially the last five years was evidently intended to document the thesis that the United States had tried to help China but had failed because of Nationalist corruption and perfidy, and that therefore the United States was justified in washing its hands of the whole affair.

► *Events of 1949-1950.* By August 1949 the Communists were well on their way toward conquest of China, a process which they had substantially completed by the end of that year. On October 1, 1949, they proclaimed the People's Republic of China, and in December Chiang and his government fled to Formosa. Not only Chiang but also the United States had been defeated,⁵⁰ for Mao Tse-tung was unlikely to be, as it had earlier been hoped, another Tito, who would go his own way, independent of Moscow. American disappointment with Chiang was further indicated in January 1950, when President Truman announced that this country would neither give military aid to the Chinese forces on Formosa nor undertake to defend that island. The latter policy was reversed within six months, as a result of the North Korean violation of the 38th parallel demarcation line and invasion of the Republic of Korea.

For a century the United States had experienced sporadic anti-foreign outbreaks in China, but after 1950 it appeared that we must resign ourselves to an intense and implacable hatred inspired ultimately by the Kremlin. Clearly, a new era had opened in Sino-American relations. The Chinese Nationalist delegate to the UN General Assembly warned in 1949 that stemming the Communist flood in Europe had had an undesirable side effect:

Building the dike on one bank of the river has forced the waters to overflow the lands on the other bank. The Marshall Plan and the North Atlantic Pact, while strengthening the forces of freedom in one part of the world, have really, though unintentionally, increased the dangers to the peoples living in the other part of the world.⁵¹

⁴⁹ This was the previously mentioned *United States Relations with China*, Dept. St. Publ. No. 3573 (GPO, 1949).

⁵⁰ For a thoughtful discussion of why communism often appears more attractive to an Asian than does American capitalism, see John K. Fairbank, *The United States and China* (Harvard University Press, 1948), Chapter 14, especially pp. 331-341. An interesting article describing the unfolding of Stalin's policy toward China over the quarter century preceding Mao's success in 1949 is that by Dr. Hu Shih, who from 1938 to 1942 was Chinese ambassador to the United States: "China in Stalin's Grand Strategy," *Foreign Affairs*, Oct. 1950, pp. 11-40.

⁵¹ Speech of T. F. Tsiang, September 22, 1949; quoted in *United States in World Affairs*, 1949, p. 46.

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AMERICAN RELATIONS WITH JAPAN

MUCH OF THE STORY of the relations of the United States with China in the past century may be repeated without major alteration in an account of the developments between the United States and Japan in the same period. Both China and Japan were countries with old cultures, the latter's, as a matter of fact, having been largely borrowed from the former.¹ Both were virtually or completely isolated for centuries, until the middle of the nineteenth century. Both felt a decided superiority to all Western "barbarians" and superciliously refused to deal with them on a basis of equality until compelled to do so. With each, a series of treaties was negotiated that not only regularized trade relations but also became the cause of numerous later difficulties and recriminations on the ground of the unilateral advantages accruing to the West under them. In both there have been serious anti-foreign riots. Both have complained bitterly against their treatment by the United States and other Western states in the matters of treaty tariffs, extraterritoriality, and immigration restrictions.²

However, the parallelism cannot be pushed too far. The Japanese, to a far greater extent than the Chinese, demonstrated a remarkable capacity to accommodate themselves to Western institutions of trade, government, and society. Seldom if ever in world history has a nation transformed itself as thoroughly and rapidly as Japan did in the last half of the nineteenth century. Within fifty years it changed from a static, secluded, feudalistic nation to a dynamic, capitalistic, major power in Far Eastern and world politics. Although it is true that much of this alteration was superficial, the forms and a considerable part of the substance changed mightily. Many indeed are those who, remembering the morning of December 7, 1941, fervently wish that the Japanese had not shown themselves to be such apt pupils of Western teachers.

¹ Japan's age is a matter of considerable importance to the Japanese patriot, who traces the imperial line of descent in a "line unbroken through ages eternal" from the foundation of the state on February 11, 660 B.C., when, according to the official legend, "Yamato" (Japan) began with the Emperor Jimmu.

² On Japanese history in general, see Kenneth S. Latourette, *The History of Japan* (Macmillan, 1947); Edwin O. Reischauer, *Japan, Past and Present* (Knopf, 1946); and George B. Sansom, *Japan: A Short Cultural History* (Appleton-Century, rev. ed., 1943).

THE OPENING OF JAPAN

➤ *Early Trade with Japan.* Mention has been made of Japan's isolation; yet this characterization is not wholly accurate. Even prior to the seventeenth century there had been scattered trade between foreigners and Japanese, to the extent that the former were prepared to come and carry on their commerce under the pressure of hardship and humiliation. Yet, although the Japanese customarily held to an aloof attitude, there was evidence that court officials and other individuals were possessed of a lively curiosity regarding the Westerners. Coupled with this curiosity, however, was suspicion of all foreigners, which often resulted in brutality. Alien seamen, for example, who had the misfortune of being shipwrecked on the Japanese coast could expect to be displayed in cages, like animals in a zoo, and often to be put to death in particularly inhumane fashion.

➤ *Japanese Seclusion.* So intense did the Japanese anti-foreign attitude become that in 1638 an imperial edict sealed off the country from all external trade, insofar as any government order can do such a thing. Japanese were forbidden to leave the homeland, the construction of fishing boats of a sufficient size to be seaworthy far from land was proscribed, and foreign traders were told to go and remain elsewhere. The one exception to the last regulation was the limited trading permitted at *Deshima*, an island near Nagasaki. There once or twice a year a Dutch trading ship would be tolerated, and through this one aperture leaked in a few distorted conceptions of what the Western world was like. This hermitic policy remained in force for well over two centuries, or until the arrival of Commodore Perry.

➤ *American Interests in Japan.* As the mid-nineteenth-century mark approached, the United States found itself increasingly interested in the Japanese. The acquisition of Oregon and California and the gold rush of 1849 contributed to a general interest in the Pacific region; it will be remembered that it was at the same time and in the same atmosphere that American interest in an isthmian canal had led to the negotiation of the Clayton-Bulwer Treaty. Also as of about 1850, proposals were already being made looking toward American acquisition of Hawaii. Although Washington was not to take this step for another half century, it was already prepared to take the attitude that it could not permit Hawaiian independence to be compromised by any other power, as these islands were important steppingstones in the Pacific trade. By 1850 China was open to foreign trade, and the considerable profits resulting from the clipper-ship commerce with that country naturally aroused interest in the possibilities of expansion. Finally, there was a missionary concern with Japan, as there was with China. As a matter of fact, Catholic missions in Japan had been founded as early as 1549, through the efforts of the famous Francis Xavier.

➤ *The Perry Mission, 1853-1854.* Prior to 1853 a few unsuccessful at-

tempts had been made to establish peaceful contact with the Japanese, and in 1852 the project was resumed, when President Fillmore sent Commodore Matthew C. Perry (brother of the hero of the naval battle of Lake Erie in the War of 1812) to Japan with instructions to negotiate a treaty permitting trade and the establishment of coaling stations. Consequently, in July 1853 a squadron of four warships under Perry's command steamed into the harbor of Yedo, as Tokyo was then known. Perry refused to obey the Japanese order that he make contact only through Nagasaki, left a letter from the President addressed to the Emperor, and departed after announcing that he would return within a year with a still more imposing force. Lest one doubt that four steamships constituted an "imposing force," let him realize that the Japanese had never before seen a ship that moved without oars or sails, so that to them even one steamship was mysterious and awe-inspiring.

Perry returned to Tokyo in February 1854, his arrival having been hastened by rumors that representatives of other powers were to attempt to forestall his negotiations by obtaining treaties granting their countries exclusive privileges. He found the Japanese surprisingly cooperative, and without difficulty a treaty was negotiated which allowed trade at two rather unimportant ports and which guaranteed humane treatment for shipwrecked sailors.³ The treaty itself was not unusual, but it was an entering wedge, and it contained a most favored nation clause which automatically made available to the United States the benefits soon reaped by other powers in their own agreements with Japan. It was thanks to this fact that the United States became entitled to the privilege of extraterritoriality and that a conventional tariff was imposed on Japan, as it had been a few years earlier on China.

The first inclusive Japanese-American treaty was that concluded in 1858 by Townsend Harris, who was the first American consul and later minister at Tokyo.⁴ The Harris treaty, which remained in force for many years and became a model for European treaties with Japan, provided for rights of residence and trade, for six open "treaty ports" at which consuls could be stationed, and for a treaty-fixed tariff. The analogy is thus clear between this agreement and the treaties that opened China in 1842-1844; it may be noted, however, that, whereas Britain took the lead in opening China, in Japan the initiative was assumed by the United States.

➤ *Westernization of Japan.* In the forty-odd years following Perry's visit, nearly unbelievable changes occurred in Japanese life. Whereas the Chinese had stubbornly resisted the introduction of Western modes of life, the Japanese seemed unable to learn about them fast enough.⁵ Thus during the latter half

³ Interesting excerpts from Perry's "Journal" are reprinted in H. R. Warfel, R. H. Gabriel, and S. T. Williams, *The American Mind* (American Book, 1947), pp. 444-452.

⁴ See M. E. Cosenza, ed., *The Complete Journal of Townsend Harris* (Doubleday, Doran, 1930); Carl Crow, *He Opened the Door of Japan* (Harper, 1939).

⁵ In 1858 Lord Hotta, the Prime Minister, urged the Japanese to study their own defects as revealed by the foreigners and to remedy them. The reason he gave is interesting in the

of the century there was a basic reform of government by which, in 1867, the Emperor was restored to a position of actual rule; he had been shoved aside by the "shogun," who had come to be the real power in the state. In 1871 feudalism was abolished, at least on paper, and in the same year a system of universal public education was established. In 1889 the Emperor promulgated a new constitution, drawn largely after Western (especially German) models; although this document was, as events proved, anything but flawless or democratic, and although it was granted by the Emperor without being earned by the people, it made clear that the Japanese were impressed by Western constitutionalism and thus was indicative of the spirit of the times.⁶

Along with these political changes came equally great economic changes, in the form of industrialization and urbanization. The Japanese soon learned from the West in the arts of war; this was a subject which their long militaristic history made them comprehend especially well. Their progress in this respect was so rapid that by 1905 Japan was recognized as the Far East's primary power. This position was dependent in part upon the Nipponese industrial establishment and in part upon the victories over China in 1894-1895 and over Russia in 1904-1905, although neither of these adversaries amounted to much in a military way. So rapid was Japan's rise, and so greatly were the Westerners impressed with Japanese accommodation to their ways, that through a series of treaty revisions between 1894 and 1899 the restrictions were removed that so long aggravated Chinese-Western relations: Japan was freed from the treaty-tariff regime, and the Western powers gave up their extraterritorial rights.⁷ Unfortunately there were other obstacles to smooth Japanese-Western relations, to which we shall now turn our attention.⁸

THE JAPANESE ATTITUDE TOWARD CHINA

One who is not familiar with the history of Japanese-American relations may easily assume that friction between these two dates back only to the Manchurian episode of 1931 or to the immigration legislation of 1924. Actually, Japan and the United States have been at loggerheads on many occasions for a half century. The Open Door was a policy to which the Japanese were bound

light of later developments: ". . . the object should always be kept in view of laying the foundation for securing hegemony over all nations. . . . Such a policy could be nothing else but enforcement of the power and authority deputed to us by the Spirit of Heaven." Quoted by F. R. Dulles, *Forty Years of American-Japanese Relations* (Appleton-Century, 1937), pp. 12-13.

⁶ A good general study of Japanese government before World War II is that by Harold S. Quigley, *Japanese Government and Politics* (Century, 1932).

⁷ A unique twist in the matter of foreign rights was that after 1895 Japan had extraterritorial rights in China but was itself subject to extraterritorial jurisdiction until 1899.

⁸ An excellent general statement of the causes of Japanese-American friction is Foster R. Dulles, *op. cit.* The Japanese view is presented in K. K. Kawakami, *Japan in World Politics* (Macmillan, 1917), especially in Chapters 2-10. A standard work on the subject indicated by the title is Payson J. Treat, *Diplomatic Relations Between the United States and Japan* (Stanford University Press, 2 vols., 1932).

to give diplomatic lip service, but no realistic statesman could fail to realize that John Hay was trying to hold open a door that the Japanese were energetically trying to shut. No imperialistic expansionist could be expected to like an Open Door policy. Another early cause of enmity was Theodore Roosevelt's diplomatic intervention in the Russo-Japanese War, which led to the conclusion of the peace in Portsmouth, New Hampshire, in 1905.⁹ The Japanese received fewer fruits of victory than they considered just, and this view was reflected in dislike of Roosevelt and his country. Many were the Japanese who felt that the "Bull Moose" had plunged into a realm in which he did not belong.

➤ *World War I.* The war in the Far East in 1914-1918 was distant from the European conflict in more ways than simple mileage. Both China and Japan entered it, and for basically similar reasons: both had old scores to settle with Western powers, and the war presented them with an appropriate opportunity to do so. China saw in the war a means of throwing off the shackles imposed by the hated "unequal treaties," and indeed it achieved this end with regard to the defeated Central Powers. Japan was no longer, by 1914, concerned with such treaties; but it had long been engaged in rivalry with Germany and Russia for important bits of China, and the war represented a chance to obtain concessions long desired. Japan had finally succeeded in annexing Korea in 1910, and for many years it had been engaged in a diplomatic tug of war with Russia over the rich north-Chinese provinces known collectively as Manchuria.

Reference has already been made in the preceding chapter to the Twenty-one Demands of 1915, by which Japan "requested" that China accept virtually the status of a protectorate. Tokyo took advantage of German preoccupation in Europe, in that it asked the Chinese government to agree to the principles that nothing in Shantung Province or along its coasts would be leased to any third power and that the Chinese government would give its consent to any agreement made in future between the Germans and the Japanese relating to the disposition of German leaseholds and other rights in this "sphere of influence." In other words, Shantung was to become a Japanese colony.

What roiled the waters was American protests against Japanese action. As the matter developed, these proved to be only paper protests, and they hardly even gave pause to the Japanese. However, Secretary of State Bryan in 1915 did lay down a policy to the effect that the United States would not "... recognize any agreement or undertaking . . . impairing . . . the political or territorial integrity of the Republic of China, or the international policy . . . commonly known as the open door policy." The inherently anti-Japanese sentiment of such a statement did not go unnoticed in Tokyo.

➤ *The Washington Conference, 1921.* The Japanese were extremely re-

⁹ See Tyler Dennett, *Roosevelt and the Russo-Japanese War* (Doubleday, Page, 1925); and Thomas A. Bailey, *Theodore Roosevelt and the Japanese-American Crises* (Stanford University Press, 1934).

luctant to accept an invitation to the Washington Conference of 1921, and having accepted they saw little reason to think that they had been wrong. Several matters occurred there that were unsatisfactory from their point of view. One was the abolition of the old Anglo-Japanese Alliance. The Japanese had enjoyed the prestige, to say nothing of the military security, that the alliance gave them; it was no slight honor that they should have been sought out for such an agreement by one of the greatest and oldest of powers, when they themselves had just arrived on the international scene. The Japanese were also discontented with the 5-5-3 agreement on limitation of naval arms, even though they did get essential naval security for their home waters as a result of the nonfortification provisions and the dispersal of the British and American navies. Later attempts to extend the naval-limitation treaty were to meet with unyielding opposition from Tokyo. It may furthermore be safely assumed that Japanese signature of the Nine Power Treaty, with its guarantee of the open door in China, was not wholehearted, for Nipponese policy for years past had been directed toward a closed door. A further cause for Japanese dissatisfaction with the results of the Washington Conference was the treaty there concluded by which the island empire had to return to China its recent, ill-gotten gains in Shantung. All in all, the Washington Conference provided no high spot of Japanese joy.

IMMIGRATION

➤ *Immigration Problems.* Prior to 1900 there had been very little Japanese emigration to the United States, and in that year the Tokyo government forbade Japanese laborers to go to the American mainland, although not to Hawaii. Nevertheless, the Japanese population increased rapidly in the United States, partly because of migration to the mainland from Hawaii and partly because of the high birth rate of the Japanese already in the country.¹⁰ As a result the old protests against the Chinese were also voiced against the Japanese. Some of the arguments were of the "yellow peril" variety, some were raised by labor unions which feared a lowering of wages as a result of Oriental competition, and some were more sober ones put forward by those who feared the creation of further racial problems in the United States.

¹⁰ The Japanese population of the continental United States was as follows:

YEAR	POPULATION	YEAR	POPULATION
1870	55	1910	72,157
1880	148	1920	111,010
1890	2,039	1930	138,834
1900	24,326	1940	126,947

See Samuel F. Bemis, *Diplomatic History of the United States* (Holt, 3rd ed., 1950), p. 676, n. 1. It is noteworthy that of the roughly 125,000 Japanese in the United States in 1940, about two thirds (79,642) were born here. See also Raymond L. Buell, *Japanese Immigration* (World Peace Foundation, Boston, 1924), pp. 284 ff.; R. D. McKenzie, *Oriental Exclusion* (University of Chicago Press, 1928).

➤ *The Gentlemen's Agreement, 1907.* Anti-Oriental feeling was naturally strongest in California, where most of the Japanese had settled. The agitation there came to a head in 1906, when the San Francisco school board ordered the segregation of all Japanese students in one public school.¹¹ Official Japanese protest followed, alleging violation of the most favored nation provision in existing treaties. But inherent in the American federal system was the division of powers which allocated to the states the right to control public education, and consequently Washington was not in a position to force the repeal of such discriminatory legislation. However, the President was able to prevail upon the San Francisco Board of Education to rescind the regulation, and in return the famous "Gentlemen's Agreement" of 1907 was negotiated. Under its terms the Japanese government itself undertook to refuse to grant passports to its subjects for travel to the United States. Thus the United States achieved virtual prohibition of Japanese immigration and the Japanese government was enabled to save face.

➤ *"Picture Brides."* For some years the Gentlemen's Agreement worked reasonably well. It did not cover Japanese migration to Hawaii and thence to the mainland, but Washington could easily control the flow of migrants from one of its own territories. There was a flare-up of Western opinion over the "picture brides" practice, but this matter was not inherently serious. Under the 1907 agreement Japanese already in the United States were entitled to bring in their parents, wives, and minor children who were still in Japan. This provision left a loophole, since under Japanese law a marriage could be validly contracted without the presence of both parties at the ceremony. Thus a Japanese in the United States could marry by proxy a woman whom he did not even know, but whom he had selected from a picture sent to him, and could then bring her into the United States quite legally. Although there was a certain amount of evasion involved, it was not considered very important.

➤ *California Land Legislation.* Still another irritant to American-Japanese relations started in California. In 1913 that state passed a law that forbade aliens ineligible for citizenship (in other words, Chinese and Japanese) to own land used for agricultural purposes, and later legislation extended the principle by prohibiting even the leasing of land to such aliens for agricultural use.¹²

¹¹ At the time of the board's action, there were ninety-three Japanese students in the San Francisco public schools, of whom twenty-five were American citizens. See Paul H. Clyde, *The Far East* (Prentice-Hall, 1948), p. 466 n.

¹² In 1950 a California court declared invalid a California law forbidding ownership of real property in the state by aliens ineligible for citizenship; the decision was based on conflict between the law and the UN Charter and UN Universal Declaration of Human Rights. However, in 1952 the California Supreme Court overruled this reasoning; it held that the alien land law was indeed unconstitutional, but because it violated the Fourteenth Amendment to the federal constitution. The 1952 decision held that the UN Charter, although a treaty and therefore part of the supreme law of the land, was not self-executing, had not been implemented, and therefore did not apply to the California land legislation. See the *New York Times*, Apr. 20, 1952, p. 25.

Before long a dozen states had similar laws on their books. As in the case of public education, the American federal system did not allow direct action by the United States government in opposition to such discrimination. Furthermore, the legislation was not in technical violation of existing treaties between the United States and Japan, since they guaranteed only the right to own or lease land "necessary for trade" and said nothing about agriculture. Nevertheless, the anti-Oriental motivation of the laws was clear. Many Japanese had gone into farming, and such laws dealt fatal blows to their economic status.

➤ *1924 Immigration Legislation.* Unfortunately for peaceful American-Japanese relations, Congress did not leave well enough alone in the matter of immigration. In 1924, new general immigration legislation, occasioned by the great postwar influx from Europe, was adopted and provision was made, under the "national origins" law, for fixing annual quotas of immigrants to be permitted to enter from European countries. Whether this step was wise can be debated, but at least there was no question of the constitutional power of Congress to adopt such legislation. The rub came at the point where Congress decided to allot quotas to European immigrants, to admit Latin Americans without quota unless they fell into certain generally prohibited categories, such as criminals or paupers, but to refuse absolutely to admit any Chinese or Japanese for permanent residence. The Department of State and others protested that this was an unnecessary and useless slap in the Oriental face, that Chinese and Japanese should be placed under quota just as other nationals were, and that the quotas for the Eastern countries, if computed by the same formula that was applied to Europe, would not permit the annual entry of any considerable number of Orientals. Secretary of State Hughes estimated that, figured on the standard basis, the Japanese quota would have been less than 250 annually, and other estimates ran even lower. All this argument was unavailing, and the legislation passed both houses of Congress by large majorities.¹³

At one stroke this law wiped out the friendly feelings that had resulted from American aid at the time of the 1923 earthquake; Congress had gone out of its way to deny immigration privileges to the Japanese, who were not emigrating to this country anyway, because of the 1907 Gentlemen's Agreement. No proud people could be expected to be well disposed toward a country that would pass such a law—and the Japanese were inordinately proud. There can

¹³ One major reason for the large majorities was the letter written by the Japanese ambassador to Secretary of State Hughes while the legislation was pending. Therein the following unfortunately ambiguous language was used: "I realize, as I believe you do, the grave consequences which the enactment of the measure retaining that particular provision would inevitably bring upon the otherwise happy and mutually advantageous relations between the two countries." Dulles, *op. cit.*, p. 189. When this note was published, the congressional tendency was to put the most serious interpretation on the "grave consequences" phrase and to construe it as a virtual ultimatum. Many congressmen reacted against this "threat" by voting for the law.

be no doubt that even the selfish interests of the United States were ill served by the law; it did no positive good, but much harm.¹⁴

MANCHOUKUO

➤ *Japanese-American Relations in the Late 1920's.* Throughout the remainder of the 1920's there arose occasionally other hindrances to Japanese-American friendship, but on the whole there was no insurmountable difficulty. During most of the period 1924-1931 Baron Shidehara was the Japanese Foreign Minister. In general his policies promoted liberalism, disarmament, and peaceful cooperation with China and other states. Intelligent and pacific as these ideas were, they were constantly under fire from the militaristic reactionaries, who wanted to abandon such "weakness" and to follow a "positive" policy toward China. Ultimately, in 1931, the Army clique won.

Here must be noted an unfortunate dichotomy in the Japanese government. Under the 1889 constitution the Army and Navy chiefs had direct access to the Emperor, which the other ministers, with the exception of the Prime Minister, did not. Furthermore, the Ministers of Army and Navy must be ranking officers of those services, rather than civilians, as they so often are in western states. The result of this situation was literally to give the military services powers of life and death over the formation and duration of cabinets. For example, a Prime Minister might wish a certain General A as his Minister of War, but General A could not serve without the permission of the Army. If the Army did not approve of the Prime Minister, it could refuse the requested consent and thereby bring about a cabinet crisis. Furthermore, since the military ministers were responsible to their own services, and since they had direct access to the throne, they were in a position to draft and execute foreign military (and therefore political) plans without even the knowledge of the Prime Minister. Obviously, if the Army set its troops in motion on foreign soil and the cabinet received its first news of the adventure from the newspapers, there would be precious little that the civilian authorities could do except to follow the military lead. As if all this were not enough, in later years hotheads in the armed services developed the unpleasant habit of assassinating civilian leaders whose policies were not "strong" enough.¹⁵ These situations must be kept in mind as a background for the troubles of 1931 and following years. The imperialism of the Japanese army was never illustrated better than it was in the Chinese territory of Manchuria in 1931.

➤ *Manchuria, 1931.* On the night of September 18, 1931, a minor bombing of a Japanese train took place in the Mukden, Manchuria, railway yards. The damage was slight and service was quickly restored, but not before Japa-

¹⁴ A good summary of the Japanese immigration problem will be found in Clyde, *op. cit.*, pp. 461-475.

¹⁵ See Hugh Bias, *Government by Assassination* (Knopf, 1942).

nese troops had begun to march in and take over; it was apparent that the whole episode was a carefully planned maneuver and that the troops had been alerted for just such a mission. Shortly all of Manchuria was under Japanese military domination, despite consistent denials by the Japanese authorities. The official Tokyo line was that the Manchurians, who had long suffered under the misrule of Chinese war lords (this much was largely true), had finally revolted spontaneously in order to establish their independence and had called upon their Japanese friends for "advice." The unvarnished fact was that Japan was implementing its decades-old policy of controlling Manchuria; this policy had been apparent at least as far back as the time of the Russo-Japanese War.

➤ *Manchoukuo*.¹⁶ By February 1932 the allegedly independent state of Manchoukuo had been officially proclaimed, and in 1934 it proceeded to crown its Emperor Kang Te, a descendant of the old Manchu dynasty, who had been exiled as a baby at the time of the 1911 Chinese revolution. Thus an element of formal continuity in Manchurian political life was ostensibly resumed. The Japanese, in their capacities as "advisers," of course pulled the puppet strings; for example, the Japanese ambassador to Manchoukuo was also commander of Japanese troops in Manchoukuo.

There could be no doubt in the mind of any unbiased observer that here was barefaced aggression. There could likewise be no doubt that numerous treaties had been trod on by the Japanese in their creation of Manchoukuo. Pledges of peaceable settlement given in the League of Nations Covenant were obviously being ignored. The Japanese action clearly violated the Nine Power Treaty's guarantees of the open door and of China's territorial integrity. The Kellogg-Briand "Pact of Paris," of 1928, bound its signatories, of which Japan was one, to renounce war as an instrument of national policy and to seek settlement of disputes only by peaceable means. The question was: what was to be done?

Just as in 1915 the Twenty-one Demands had been issued when the western powers were involved in the European war and thus incapable of giving effective aid to China, so in 1931 the Japanese struck when China's possible protectors were floundering so deep in world depression that they could muster little interest in aggression in a distant quarter of the world. Americans,

¹⁶ The following pages present a very brief account of a very complex subject. For a more detailed exposition of the Manchoukuo "episode," see Clyde, *op. cit.*, Chapters 25, 27, 28, 32-34, 36; Chapter 34 provides especially good treatment of the influence of the Army on Japanese domestic and foreign policies in the 1930's. See also Robert K. Reischauer, *Japan: Government-Politics* (Nelson, 1939); Hugh Borton, *Japan Since 1931* (Institute of Pacific Relations, New York, 1940); Henry L. Stimson, *The Far Eastern Crisis* (Harper, 1936); A. E. Hindmarsh, *The Basis of Japanese Foreign Policy* (Harvard University Press, 1936); T. A. Bisson, *America's Far Eastern Policy* (Macmillan, 1945), which has a good summary of American-Japanese difficulties in the 1930's, especially on pp. 25-50 and 63-145, as well as relevant documents, on pp. 165-230; Tatsuji Takeuchi, *War and Diplomacy in the Japanese Empire* (Doubleday, Doran, 1935); and C. W. Young, *Japan's Special Position in Manchuria* (Johns Hopkins Press, 1931).

who had been so militantly isolationist ten years earlier that their government refused even to acknowledge receipt of letters from the League of Nations, might not have been expected to undertake any real action against the aggressor. But the British, who have not usually been isolationist and whose economic interests in the Far East were far greater than ours, might ordinarily have been willing to take action. However, the British government went off the gold standard only three days after the Mukden bombing and had its hands so full of troubles at home that it could not pay attention to developments in far-away Manchuria.¹⁷

➤ *The Stimson Doctrine.* To Henry L. Stimson, the American Secretary of State at this juncture, fell the task of initiating American policy toward Japan under the new circumstances. Strong action was out of the question in view of isolationist sentiment, a vociferous pacifist feeling in many sections of the country, the depression, and the small army and navy available to back up any forceful policy. Consequently the Secretary had to content himself with the enunciation of the "Stimson Doctrine," which was in large measure a restatement of the principle that William Jennings Bryan had pronounced at the time of the Twenty-one Demands, in 1915. In identic notes to Japan and China, dated January 7, 1932, Stimson laid down the policy of the United States:

... the American Government deems it to be its duty to notify both the Imperial Japanese Government and the Government of the Chinese Republic that it cannot admit the legality of any situation *de facto* nor does it intend to recognize any treaty or agreement entered into between those governments, or agents thereof, which may impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence, or the territorial and administrative integrity of the Republic of China, or to the international policy relative to China, commonly known as the open-door policy; and that it does not intend to recognize any situation, treaty, or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1928, to which treaty both China and Japan, as well as the United States, are parties.¹⁸

Thus did we as a nation again take a stand that we would not and could not back up with military force. It was apparent that the United States would not exert the military force that alone could have dislodged the Japanese from Manchuria. At first Secretary Stimson thought that there might be joint British-American condemnation of Japanese treaty violations, but this idea turned out to be illusory.¹⁹

¹⁷ A Japanese policy of watchful waiting to catch Europe off guard and preoccupied with its own affairs had been forecast as early as 1887 and 1895 by Japanese leaders. See Dulles, *op. cit.*, pp. 13-17.

¹⁸ Quoted in Bemis, *op. cit.*, p. 814.

¹⁹ See Stimson, *op. cit.*, p. 164; Bisson, *op. cit.*, pp. 31-34. On other aspects of the problem of Manchoukuo, see League of Nations, *Report of the Commission of Inquiry* (The Lytton Report), (League of Nations, Geneva, 1932); W. W. Willoughby, *The Sino-Japanese*

➤ *The League of Nations and Manchoukuo.* Shortly after the outbreak of the Manchurian fighting China had appealed to the League of Nations Council for assistance. The latter in turn requested the parties to refrain from further warlike acts pending a peaceable settlement of the dispute; then, in December 1931, it appointed a commission of inquiry under the chairmanship of Lord Lytton and ordered it to make an on-the-spot investigation and report its findings. Meanwhile China had appealed also to the League Assembly for aid, and in March 1932 this body adopted unanimously (except for China and Japan) a resolution stating that it was “. . . incumbent upon the members of the League of Nations not to recognize any situation, treaty, or arrangement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.”

➤ *Coordination of American and League Action.* The similarity of this resolution to the Stimson nonrecognition doctrine is clear, although it will be noted that Stimson had made no reference to violations of the League Covenant; this omission was appropriate enough, since the United States was a nonmember. The State Department found itself in a difficult position in 1931-1932: on the one hand, American public opinion retained much of its opposition to the League of Nations and much of its irrational fear of cooperation with any League organ, since it might “bring us into the League through the back door.” On the other hand, American public opinion was decidedly anti-Japanese, although not to the point of advocating military action, and manifest advantages would be obtained if the United States and the League would coordinate their policies and thus present a united front to world opinion. But the Department of State did not dare admit its agreement with the League, for fear that the public would react adversely; therefore Stimson in January and the Assembly in March 1932 said essentially the same things, but not jointly. American representatives often sat with or made themselves available to the League Council when it was considering the Manchurian affair, but they could not officially cooperate fully with the Council; thus they could discuss allegations of Japanese violations of the Kellogg-Briand Pact, to which we were signatories, but not of the Covenant, to which we were not. Still wary of American opinion, the State Department would speak of parallelism rather than of identity of American and League policy. Then the term “independent cooperation”—a semantic monstrosity if there ever was one—was coined to describe the interaction of the United States and the League.

➤ *The Lytton Report.* In October 1932, more than a year after the outbreak of the war, the League published the report of the Lytton Commission of Inquiry. In brief, it held that the establishment of the state of Manchoukuo was not the result of a truly spontaneous independence movement, that the present

regime was intolerable, and that a reasonable way out of the morass would be to create an autonomous Manchuria within the Chinese Republic, which could then receive international economic assistance. The Assembly adopted a resolution approving the Report and recommendations, only to be rebuffed by having the Japanese delegation walk out. To the last the Japanese maintained that the origin of Manchoukuo was spontaneous and that Japanese action there was defensive of their own legitimate rights; but the rebuttal had a hollow ring.

➤ *Japanese Withdrawal from the League.* Shortly thereafter, on March 27, 1933, the Japanese government officially gave notice of its intention to withdraw from the League; under the Covenant's terms, this resignation would be effective two years from the date of notice. In a highly technical sense, Japan remained a member until 1935, but for all practical purposes its effective membership ceased in early 1933. Any chance that the League might take military or even economic action against Japan died at that time, if indeed such a chance had ever existed. The Lytton Report and the Assembly's nonrecognition resolution were the most severe reproofs that Japan ever suffered at the hands of the League. Similarly, the United States was not prepared even to declare an economic boycott of Japanese industry, much less to apply military sanctions. Although it was true that the United States and most other nations honored their pledge and never extended diplomatic recognition to Manchoukuo, nonrecognition inflicted no appreciable hardship. Japan calmly went ahead, completed its conquest, broke off bits of North China proper, and announced that all this was being done in pursuance of the "Japanese Monroe Doctrine." The analogy to the American Doctrine of 1823 was spurious at numerous vital points, but it made good propaganda for the unsophisticated.

➤ *Manchoukuo's Importance to World Politics.* Thus the League failed in this great test of aggression; or, more accurately, the members of the League failed to provide the motive power to propel the machinery that was theirs under the Covenant. This "China Incident," as the Japanese insisted on referring to it, taught two related lessons: first, that isolationism was strong and an appreciation of collective security correspondingly weak in many parts of the world, so that peoples would tend to shrug off distant aggressions as being of no immediate concern; and secondly, that international peace-preserving machinery was fatally weak. Two other potential aggressors, Benito Mussolini and Adolf Hitler, quickly learned these lessons and became convinced on the basis of their own experiments that aggression, unlike other crime, did pay if care were exerted by the criminal to hide the appearance of excessive greed. Hitler and Mussolini found that the thing to do was to commit several minor aggressions in succession rather than one major one. Thus they could play upon the natural desire of others for peace and persuade them that the minor aggression would be the last and that it was not serious enough to warrant a war. This prin-

ciple was put into practice by Mussolini in his conquest of Ethiopia, in 1935-1936; by Hitler in his remilitarization of the Rhineland and reconstitution of the German General Staff, in 1935, in violation of the Versailles and Locarno treaties; and again by Hitler in his aggressions against Austria and Czechoslovakia. Finally, however, with the invasion of Poland, on September 1, 1939, Hitler went too far.

What would have happened if the League had punished the Japanese must forever remain an open question. Many competent experts are convinced, however, that if Japan's aggression had been punished Hitler's and Mussolini's would not have been committed. It is by no means out of the realm of reason to state that World War II began in Manchuria in 1931.

WORLD WAR II

➤ *Isolationism, 1931 and 1950.* In less than two decades, the American public has executed a complete about-face with regard to the intensity of its interest in the Far East. In 1931, and indeed through most of the 1930's the general attitude appears to have been fairly well typified by the neutrality legislation considered in an earlier chapter. "Let Europe keep its wars to itself," "let Europe stew in its own juice," and "we won't pull anyone else's chestnuts out of the fire" were heard time and again, and the majority of Americans apparently agreed. Europe, and certainly Manchuria, was too far away to be of any real interest to America.

Thus in the mid-1930's we passed and amended the neutrality acts. Revolution took place in Spain, and in spite of positive knowledge of foreign intervention there, especially by Hitler and Mussolini, we persisted in regarding the events as constituting a private civil war. We made preparations to grant independence to the Philippines, indicating that we were about to wash our hands of Far Eastern politics. Until 1938 our navy, upon which ultimate reliance for policy enforcement must largely rest, was considerably below treaty strength. In 1937, shortly after Japanese resumption of hostilities in North China, President Roosevelt made a speech in Chicago in which he stated that aggression was an international phenomenon akin to contagious physical disease, and that the aggressor should therefore be quarantined; without mentioning Japan by name, he was clearly calling for joint action against the Japanese germ carrier. But the American press and public howled down the idea. Scrap iron by the shipload was leaving American ports for Japan, there to contribute to the Japanese war machine, but when some idealistic citizens suggested that such shipments ought to be embargoed because they were destined ultimately to aid in killing our nominal friends the Chinese, they were called starry-eyed theoreticians. The short-sightedness of the American policy was tragically demonstrated when some of this scrap iron was returned to Pearl Harbor on the morning of December 7, 1941. But until a few years earlier we had stubbornly

maintained that what Japan or any other aggressor did was none of our business.

Meanwhile the Axis was forming and arming. In 1935 Germany and Japan left the League of Nations. In the following year they concluded an "anti-Comintern pact," which in reality was a military alliance, and a year later Italy joined them. In 1936 the Washington and London naval-limitation treaties expired, and Japan made clear that it was not interested in renewal that guaranteed it anything less than full naval parity with Britain and the United States. In July 1937 the "China Incident" was renewed with the Marco Polo Bridge episode near Peiping, and the war was on again in earnest. In November 1937 the League Assembly called a conference at Brussels to consider Japanese violation of the Nine Power Pact. Japan refused to send a delegation, no one else was prepared with a positive program of action, and the conference was a complete fiasco.

In December 1937 the U.S.S. *Panay* was sunk in the Yangtze River near Nanking by Japanese planes; at first it appeared possible that a mistake had been made, but it speedily became apparent that Nippon had taken this means of warning America to evacuate its "sphere of influence," which was to include, if possible, all of China. Prompt and energetic protest by the United States brought indemnity and profound apologies, but large numbers of American cynics questioned Japan's sincerity. Ultimately the appeasement policy, the Munich deal, and other storm clouds gradually convinced more and more Americans (as well as Europeans) that there was real danger to themselves in unrestrained aggression. Finally, in July 1939, the United States gave the requisite six months' notice of intention to abrogate its commercial treaty of 1911 with Japan, and thus it cleared away legal obstacles to imposition of embargoes or other economic restrictions on the Far Eastern aggressor.

Even after war began in Europe, in September 1939, the "America First" organization of isolationists had many members; the attack on Pearl Harbor converted most of them. By 1949 few Americans retained the wishful thought that war elsewhere was none of their concern. As recounted in Chapter 4, it was in 1949 that the United States signed and ratified the North Atlantic Treaty, a military alliance with eleven other nations. The reasons for our adherence were clearly stated in the Senate Committee's report on the Vandenberg Resolution of 1948: we realized that war anywhere will likely become a threat to our own security and that therefore the path of wisdom is to anticipate and remove that danger by alliance, thereby letting the potential aggressor know that aggression will be restrained. This attitude was radically different from that of a decade earlier.

In the summer of 1950 came the Communist aggression in Korea. Even in 1950 there were some who could not understand why Americans should fight and die in that strange and distant land, but most of their countrymen realized

that the fighting was in defense of an extremely important principle: collective security. We were learning fast that "peace is indivisible," which is simply another way of saying that a war anywhere can all too easily spread, in this interdependent world, into a war everywhere. Truly there was a world of difference between American reactions to the Japanese attack of 1931 and the Korean attack of 1950. Both aggressions occurred thousands of miles from the United States, but the second time Americans recognized from the outset that their own interests were directly affected. They had learned the lesson of 1931.

JAPAN UNDER OCCUPATION

➤ *Japan's Defeat.* On July 26, 1945, when the war against Japan was nearly over, diplomats at the Potsdam meeting joined in declaring that Japan would pay for its aggression by losing all its stolen territories and thus being restricted to its four main islands; disarmament, demilitarization, and reparations were also in prospect for the enemy.²⁰ Events followed one another rapidly in the next few weeks. On August 6 the atomic bomb was dropped on Hiroshima. On August 8 another fell on Nagasaki and the Soviet Union's armies invaded Manchuria in fulfillment of the Yalta pledge to attack Japan within three months of the fall of Germany; the latter had signed formal surrender on May 9. On August 10 the Japanese issued surrender feelers, and four days later they admitted complete defeat. On September 2 the formal surrender ceremonies took place, on board the U.S.S. *Missouri*, in Tokyo Bay, and the war was over.²¹

➤ *New Problems.* In a formal sense, of course, the war was not yet over and would not be until a final treaty of peace was signed; this was not destined to happen until 1951. General Douglas MacArthur entered Tokyo and established himself as Supreme Commander Allied Powers (SCAP) and therefore as top occupation authority, superior even to the revered Emperor. But even MacArthur, a man renowned for his self-confidence, was soon to find himself faced with problems so complex as to make conduct of the war seem relatively simple by contrast. It must be decided how the Emperor should be treated; what should be the machinery and policy of the occupation forces; what the peace treaty should contain and how it should be drafted; what reparations Japan should pay, how, to whom, and when; how the war-shattered economy of Japan could be rebuilt without reconstruction of the nation's military potential; and what form of long-range domestic government should be

²⁰ *Docs. Am. For. Rels., 1945-1946*, pp. 105-106. Excellent summaries of foreign relations with Japan and of problems of occupation and reconstruction will be found in *United States in World Affairs, 1945-47*, pp. 254-273; *ibid.*, 1947-48, pp. 187-167 (especially good on occupation problems); *ibid.*, 1948-49, pp. 288-306; *ibid.*, 1949, pp. 448-465; *ibid.*, 1950, pp. 181-184.

²¹ Documents bearing on the surrender are reprinted in *Docs. Am. For. Rels., 1945-1946*, pp. 105-111.

instituted. Some questions might be answered easily and at once, but others would seek answers for years.

➤ *The Position of the Emperor.* As it turned out, the disposition of the allegedly divine Emperor was a simple matter. Conceivably he might have been prosecuted as a war criminal, but it was deemed wiser to utilize his prestige in the minds of his subjects so as to bolster the occupation regime.²² Such was the reverence of the Japanese for the Son of Heaven that they might willingly comply with SCAP orders issued through him, whereas they might sabotage the same orders if they were issued directly. He could be a most useful occupation tool, if he were not allowed to get out of hand. Thus "the policy," said the United States government, "is to use the existing form of Government in Japan, not to support it." As a wise precaution, MacArthur early issued an order terminating state support of the Shinto sect. The reason was that Shinto, with state support and compulsory membership, had been the tool by which the militarists had inculcated in Japanese minds the concept of the divinity of their Emperor and their divine mission to conquer the world at his order. On January 1, 1946, there followed a New Year's message from Hirohito in which he disclaimed the divinity long attributed to him. The stage was set for his use as a keystone of occupation government.

➤ *The Far Eastern Commission.* General MacArthur's title indicated that he was commander on behalf not only of the United States but of all the allied powers that had prosecuted the war against Japan. It turned out that this was an alliance in form rather than in substance as far as occupation was concerned.

Two major agencies were set up to supervise the occupation. One, the Far Eastern Commission (FEC), sat in Washington, was composed of representatives of the nations that had been actively at war with Japan,²³ and had authority to determine policy, on the basis of which the United States would issue directives to General MacArthur in matters of surrender and occupation. Its power, however, came to be more apparent than real. Each of the Big Four had a veto over its actions, and if for this or any other reason necessary directives were not forthcoming from FEC when needed, the United States exercised

²² Other Japanese officials, however, were tried as war criminals by the International Military Tribunal for the Far East, established in 1946. See *Docs. Am. For. Rels., 1945-1946*, pp. 352-358.

²³ See George H. Blakeslee, "The Establishment of the Far Eastern Commission," *Int. Org.*, Aug. 1951, pp. 499-514. As first constituted, FEC had eleven members, representing Australia, Canada, China, France, India, the Netherlands, New Zealand, the Philippine Republic, the United Kingdom, the United States, and the USSR. Burma and Pakistan were included after November 1949. Appropriately enough, the FEC sessions were held in the erstwhile Japanese embassy in Washington. FEC and the Allied Council were set up under an agreement reached at Moscow by the Foreign Ministers' meeting of December 1945. The text of the agreement is in *Docs. Am. For. Rels., 1945-1946*, pp. 275-278. A convenient collection of documents bearing on the occupation is *Occupation of Japan, Policy and Progress*, Dept. St. Publ. No. 2671 (GPO, 1946); the FEC agreement is on pp. 69-73.

its prerogative of issuing temporary orders. Actually many of the directives were not issued until after action had been initiated by General MacArthur. Serious differences of opinion arose within the Commission, and they frequently prevented it from taking decisive action.

Within the government of the United States, the major occupying power,²⁴ there was anything but complete harmony and consistency of thought. Policy was determined basically by the State and Army Departments; but coordination was never altogether satisfactory, and while arguments were going forward in Washington, General MacArthur frequently took the bit in his teeth and issued orders in Tokyo that made Washington civilian and military officials writhe in their chairs. On more than one occasion, long prior to his dismissal for insubordination in 1951, he had to be sharply reminded that, although he was Supreme Commander in Japan, he was an instrument rather than a creator of policy, and that the President was still constitutionally commander in chief over all American armed forces, including five-star generals.

➤ *The Allied Council.* Always on paper, and sometimes in actuality, the Far Eastern Commission was an important policy-determining body. The same could scarcely be said of the second occupation authority, the Allied Council, which sat in Tokyo. Composed of representatives of the United States, the British Commonwealth (Britain, India, Australia, and New Zealand), China, and the Soviet Union, this body was strictly advisory to the Supreme Commander, who was its chairman. At the greatest its control over him was limited to suspending action on certain basic issues until a directive could be obtained from the Far Eastern Commission. General MacArthur publicly announced late in 1945 that he did not approve of either Commission or Council, and this statement could hardly be expected to get the agencies off to a flying start. The Supreme Command did not hide its feeling of supremacy, and here again the occupation turned out to be an American show. But this primacy of the United States brought bitter along with the sweet: we might be substantially free to do as we willed in Japan, but we also paid the costs of occupation and of feeding the impoverished Japanese. The latter expense became an increasingly important factor in our relations with our recent enemy.

➤ *Occupation Policy.* Our basic occupation policy was outlined in a document sent to MacArthur late in August 1945 and made public a month later.²⁵ Therein we stated a dual purpose: to assure that there would be no renewal of Japanese aggression and to effect "... the eventual establishment of

²⁴ A token force of British troops was present in Japan. China declined the invitation to send occupation troops. No one wanted to permit the Russians to get a foot in the door by sending troops, and none were sent.

²⁵ The text will be found in *Docs. Am. For. Rels., 1945-1946*, pp. 267-273; also in *A Decade of American Foreign Policy*, 81st Congress, 1st Session, Sen. Doc. 123 (GPO, 1950), pp. 627-633; the latter volume, on pp. 633-660, reprints other fundamental occupation directives. See also *Docs. Am. For. Rels., 1947*, pp. 96-111.

a peaceful and responsible government." Provision was made for complete disarmament and demilitarization of the conquered country, and for elimination from public life and influence of the militaristic and ultranationalistic concepts and leaders held largely responsible for Japan's running amok in recent years. Respect for democracy and individual liberties was to be developed to the maximum degree, and popular control was to be encouraged, not only in the realm of politics but also in industry, labor, and agriculture. "The existing economic basis of Japanese military strength must be destroyed and not permitted to survive." There must necessarily be resumption of peaceful economic activity, but supervision must insure against remilitarization. Reparations would be expected of Japan, to be made through transfer of Japanese property located outside the home islands and through the dismantling of homeland industrial equipment in excess of that needed for normal economic recovery. These were the fundamental occupation principles.

➤ *Government Reform.* A major policy decision in the realm of domestic government was the decision to use, rather than abolish, the position of the Emperor. Then, early in 1946, came a purge of militarists and extreme nationalists from government service, followed shortly by the announcement of a new draft constitution. Ostensibly this constitution was the product of Japanese workmanship, but actually it was conceived and executed mainly in occupation headquarters. It was dutifully approved by the Diet, and it went into effect in May 1947. Shortly after the draft had been announced there had been elections to a new Diet. Then as on other occasions the results were eminently satisfactory to the conservative elements, since the liberals and moderates were resoundingly beaten.

➤ *Reparations.* One of the vexing problems that follow any war is reparations: the understandable desire to take revenge and to compel the vanquished to foot the bill of the war conflicts fundamentally with financial pressure to restore the defeated party economically, so that it can support itself. Surely few problems embittered the Allies after Germany's defeat in 1918²⁰ and 1945 more than did reparations, and much the same came to be true of Japan. Americans, far from forgetting Pearl Harbor, demanded that Japan pay the costs that its aggression had entailed. Chinese, Filipinos, and others who had suffered Japanese invasion and occupation stoutly maintained that the despised Japanese must make good at least the monetary loss they had caused.

The President sent Mr. Edwin W. Pauley to Japan in late 1945 to study the reparations issue. Pauley suggested that the Nipponese industrial potential be reduced to the level of approximately 1930, prior to the first of the modern series of aggressive moves, and that plant facilities above this level be made

²⁰ The classic study of the economic unworkability of heavy reparations dealt with Germany after 1918; it is John M. Keynes, *The Economic Consequences of the Peace* (Harcourt, Brace, 1920).

available to those who had suffered most war devastation, such as the Chinese and Filipinos. Ultimately the United States proceeded on this basis, although only after much delay and confusion in the Far Eastern Commission. Several factors were involved in the delay: Russia, which had entered the war at the fifty-ninth minute, promptly proceeded to remove industrial plants from Manchuria as "war booty," in defiance of the expressed disapproval of other Commission members; Russia opposed most reparations plans proposed by anyone else; much Japanese plant capacity was useless because of wartime bombing; many factories were valuable only in their existing locations, adjacent to supplies of power, raw materials, or labor, and would be largely useless after the great expense and trouble of moving them to a foreign country; the ultra-conservative Japanese government naturally did not exert itself to facilitate reparations removals; finally, it was an immense task to determine which plants were "surplus" and to which victor state they should be allotted.

Between 1947 and 1949 some plants were dismantled and removed. But in May 1949 the United States ordered the termination of this action, and in effect signaled the end of reparations in general. Such action was immensely unpopular in China, the Philippines, and the Netherlands East Indies. These countries might not acquire property of great real economic value through reparations, but their governments had to consider the domestic public's demands for punishment of the aggressor. The reasons why the United States braved this antagonistic opinion centered not only in the uneconomic aspects of transplanting factories, in the high cost of the occupation to the United States, but also in a factor to which reference was made in the last section of the preceding chapter: in the international struggle for power in the world and especially in the Far East the United States was bidding for the active support of Japan against the threat of Soviet domination.

➤ *Recovery Before Reform.* Vacillation in reparations policy was bound to slow down the economic recovery of Japan. There was some reason to believe that Japan's leaders were shrewd enough to calculate that the United States was bound to support the country, if for no other reason than that physical disease and Communist unrest would otherwise cause serious trouble. It is certainly true that occupation costs were extremely heavy for the United States—running in the late 1940's to about 400 million dollars per year—and that home pressure for reduction of government expenditures was very strong. Many an American taxpayer was coming to the conclusion that he was bearing an old man of the sea on his back, in the form of a presumably defeated Japan, and wondering whether those people were not right who maintained that the victors did not really win wars. At any rate, there was sufficient political and international pressure toward ending reparations to outweigh the bitter disappointment and disillusionment of the Filipinos and others who had expected to receive reparations.

➤ *The "Zaibatsu."* Recovery came to precede reform in another respect. For years before the war Nipponese economy had been dominated by four tremendous business combines (Mitsubishi, Mitsui, Yasuda, and Sumitomo), to which the Japanese referred collectively as "Zaibatsu." This "big business" amalgamation controlled Japanese economic life, and through its ownership of heavy industry it had been of great usefulness in equipping Japan for aggression in 1931 and thereafter. This fact, coupled with inbred American anti-monopoly attitudes, led occupation authorities to mark the zaibatsu trusts for dissolution. SCAP did, in 1946, go so far as to order all zaibatsu securities to be exchanged for nonnegotiable government bonds, but the trusts were never actually and completely broken into their component parts. There were several reasons: The zaibatsu officials were still extremely influential with the Japanese government, and the cabinet and Diet were largely representative of ultra-conservative parties not unfavorable to the zaibatsu; the government therefore would go only so far toward zaibatsu liquidation as it was prodded by SCAP. There was, moreover, no complete agreement within the Supreme Command on any one anti-zaibatsu program. Finally, dissolution of these trusts around which the Japanese economy was built would likely prove so disturbing as still further to slow down an already tortoise-paced postwar economic recovery and thus prolong the burden of relief on the American taxpayer. Some of the combines were actually broken up, but one gradually came to hear less and less, and finally nothing at all, about dissolution of the zaibatsu.

➤ *Foreign Trade.* Closely allied with the general economic problem was that of Japan's foreign trade, upon which the nation's industry was dependent. Although from 1945 to mid-1947 external commerce was channeled only through the occupation authorities, after the latter date an increasing amount of normal private trade was permitted.²⁷ It was in the interest of the United States to permit Japan to export enough to pay its food bills and thus to lessen occupation costs to the American taxpayer, but for several reasons the Allies did not wish to allow Japanese trade to follow its own course.

The British, for example, viewed with unconcealed alarm the possibility that Japanese shipbuilding and commerce would once more outstrip their own in the Far East. There was such a thing as an overhealthy Japanese economy, as far as the British were concerned. Secondly, with whom should the Japanese trade? With the Netherlands East Indies? The Dutch and the Indonesian nationalists had mental reservations as to the amount of such commerce to be permitted. With China? Although this was a natural market, Chinese antagonism toward the erstwhile conqueror remained to be overcome, the Chinese had several times previously demonstrated willingness and ability to impose strangulating boycotts, and China now was under Russian influence. With the Soviet Union? The Western powers were extremely wary of the political en-

²⁷ See *Docs. Am. For. Rels.*, 1947, pp. 111-114.

tanglements into which the Japanese might be drawn if they came to be too dependent economically upon the whims of the Kremlin. Strategic political considerations impelled the Allies to prevent at all costs the establishment of a Communist foothold in Japan.

The Western Allies, however, although unwilling to permit Japanese trade with normal Far Eastern markets and sources, were unprepared to open their own markets to any great amount of Japanese competition. The following dilemma then arose: if Japan was to become self-supporting, its insular economy must live largely on foreign trade; yet it appeared in the short-run interests of the victors to restrict that trade, for the reasons just mentioned. Meanwhile the Japanese population, always large, soared to some eighty-four million by 1952; there was a net annual addition of at least 1½ million people to be fed from a territory smaller than California, and of that territory only one sixth to one fifth was arable.²⁸ Japan had been defeated in 1945, but the basic international problems of Japan's population pressure and economic status survived and were in fact greatly accentuated by loss of colonial territories, markets, merchant marine, and industrial plant. The riddle could not be solved by the glib phrases of politicians.

THE PEACE TREATY

➤ *Delay in Peacemaking.* One of the ironies of recent diplomatic history lies in the fact that during World War II a sizable school of thought suggested that negotiation of a peace treaty be deferred for a few years after the war, so that passions could cool and rational settlements be made. As matters developed, peace with Japan was indeed delayed until 1951, but not for the anticipated reasons. The delay was caused not by an effort to diminish war-engendered hatreds but by the East-West tensions that came to be referred to as the Cold War.

It was the contention of the United States during 1945-1950 that the Japanese peace treaty should be negotiated by the members of the Far Eastern Commission or by all states that had participated in the Pacific war. The Soviet Union, on the other hand, proposed a treaty negotiated by Britain, China, Russia, and the United States, with each having a veto. The United States favored decisions by a two-thirds vote, without the veto, and took the understandable attitude that since the Soviet Union had entered the war only after the virtual cessation of hostilities it had no right to a loud voice in the dictation of peace terms. For five years the dispute raged, with no agreement reached.

➤ *Drafting of the Treaty.* Ultimately, in 1950, the United States took the bull by the horns. President Truman designated Mr. John Foster Dulles as

²⁸ An excellent and authoritative book on population and related problems of the Far East is Warren S. Thompson, *Population and Peace in the Pacific* (University of Chicago Press, 1946).

principal agent in charge of negotiating a peace treaty, and during the following year consultations ensued among the governments that had been at war with Japan.²⁹ In the course of time a draft treaty was worked out and modified somewhat in accordance with the views of the other governments. The United States tacitly took the position that the war against Japan and the subsequent occupation had been primarily an American task, and that its wish would therefore be law, except insofar as it felt alteration to be expedient. Finally, in 1951, a tentative draft was circulated, and the fifty-four states that had been at war with Japan were invited to be represented at a peace conference in San Francisco, to open on September 4, 1951.³⁰

➤ *The Peace Conference.* The United States made it clear that the conference was convoked to approve the draft treaty and not to negotiate one. Consequently many doubted that the Soviet Union would send representatives, since its government was known to disapprove of the draft and since it would obviously be outvoted at the conference. To the surprise of many, however, a Soviet delegation appeared. To the dismay of others, the government of India declined to participate, because it objected to the defense and territorial dispositions to be made by the treaty, and because of disagreement with the policy of excluding China.³¹ China did indeed pose a difficult question. The United States still recognized Chiang Kai-shek as the head of the Chinese government, although it was clear that in 1951 he was in no position to govern the country. On the other hand, many of the states to be represented at San Francisco had recognized the Mao Tse-tung Communist regime. The question of which group should speak for China's millions was handled by evasion: neither was invited. Thus the country that had suffered longest at Japanese hands had no spokesmen at the conference.

Certain rules of procedure had been proposed by the United States in advance of the conference, and they were adopted. It was apparent that they were designed to ensure that the meeting would simply approve what had already been negotiated and that the Russian delegation would not be able to obstruct proceedings, as it was wont to do in other international gatherings.³² The ses-

²⁹ In mid-1950 Mr. Dulles, having recently been in Japan for discussions, took a side trip into Korea, and happened to be there just before the North Korean invasion across the 38th parallel. His presence there was seized upon by Communist propagandists as "proof" that he had gone there to encourage the South Koreans to launch their "attack" and that therefore the United States was the real aggressor in the affair.

³⁰ Since India, Burma, and Yugoslavia declined the invitation, delegates appeared from fifty-one states. Three of the latter—the Soviet Union, Poland, and Czechoslovakia—refused to sign the treaty. Thus forty-eight states, plus Japan, were the final signatories of the San Francisco treaty.

³¹ On the Indian objections, see *Department of State Bulletin*, Sept. 3, 1951, pp. 385-388.

³² See the text of these rules in *Japanese Peace Conference*, Dept. St. Publ. No. 4371 (GPO, 1951), pp. 6-8. Articles 17 and 18 specified that the business of the conference was to convene, hear governmental statements about the treaty, and then sign the treaty; the statements were limited by rule to one hour in length. Secretary of State Acheson, as temporary chairman of the conference, made an opening statement in which he indicated rather

sion then gave itself over to five days of speechmaking, which culminated, on September 8, 1951, in the ceremonial signing of the treaty by all the delegations present except those of the Soviet Union, Poland, and Czechoslovakia. Twenty years, almost to the day, had elapsed since the initial Japanese aggression in Manchuria.

➤ *Treaty Provisions.* On several occasions President Truman and Mr. Dulles had described the treaty as one which ". . . has not been drawn in a spirit of revenge," as a "treaty of reconciliation," and as a "peace of justice . . . which shows no trace of angry passion." The government of the United States was attempting to avoid the pitfalls of past peace treaties which by their severe reparations, armament, or territorial clauses caused new wars.³³

There were numerous provisions terminating the state of war and regulating treaty and property rights that had been disturbed or destroyed by the war, but the provisions of major general interest were those by which Japan (1) was recognized as a "sovereign equal" and declared its intention of seeking membership in the United Nations; (2) renounced all claim to the islands it had formerly owned or administered, and thus was territorially restricted to its four home islands and those immediately adjoining;³⁴ (3) concurred in any proposal to be made by the United States for a UN trusteeship over the Ryukyu, Bonin, and Volcano islands and others in the same regions; and (4) agreed to settle its international disputes peaceably and to support the UN in any enforcement action. Furthermore, (5) occupation troops were to be withdrawn from Japan within ninety days after the effective date of the treaty, but this provision would not operate to prevent the stationing of foreign troops in Japan by agreement with the local government; (6) although it was recognized that Japan ought to make compensation for its depredations prior to 1945, it was also specifically recognized that its economy was so shaky as to negate the possibility of its making anything like complete reparations, and therefore it was provided that bilateral agreements between Japan and individual Allied powers could be entered into by which raw materials might be sent to Japan, there to be manufactured and returned to the Allied country;³⁵ (7) any disputes arising out of

bluntly that the delegates were in San Francisco to sign, and not to negotiate, a peace treaty; *ibid.*, p. 5. Numerous documents on the conference are printed in *Department of State Bulletin*, Sept. 17, 1951, pp. 447-466.

³³ The text of the treaty is available in *Department of State Bulletin*, July 13, 1951, pp. 132-138; also in Dept. St. Publ. Nos. 4330 and 4561 (GPO, 1951).

³⁴ Title to Formosa was renounced, but not in favor of any specific country; thus the question of ownership was begged.

³⁵ As indicated above, the American position on Japanese reparations was bitterly opposed by the Philippine Republic and Burma, among others. They had suffered immensely at the hands of the Japanese conquerors and were exceedingly unhappy that the United States should take what amounted to an anti-reparations position. This position resulted, of course, from the facts that Japan's economy was scarcely strong enough to support its own nation, and that if reparations were to be paid, the United States, through economic aid, would in fact indirectly pay them. The United States in this respect faced a situation in Japan which had a striking parallel in Germany.

the interpretation of this treaty, if not settled diplomatically, would be referred to the International Court of Justice. Finally (8), it was stipulated that if any power that had been at war with Japan did not sign the present treaty Japan would be prepared to conclude a similar but bilateral treaty with it. A major reason for this provision was to evade the question of Chinese signature: Japan was given the task of determining whether to sign a peace treaty with Chiang Kai-shek or Mao Tse-tung. The same provision opened the door to a bilateral treaty of peace with the Soviet Union or other nations that were not present or did not sign at San Francisco.

There was no direct provision in the treaty covering Japanese rearmament, but the connotation of the security arrangements made for the Pacific region in connection with the San Francisco settlement was a manifest expectation of controlled Japanese rearmament in the foreseeable future, so that Japan, like Germany on the other side of the world, might be an ally of the West in the Cold War. In this connection the United States ran into complications because of two sentences inserted at its own insistence in the postwar Japanese constitution: "War, as a sovereign right of the nation and the threat or use of force, is forever renounced as a means of settling disputes with other nations. The maintenance of land, sea, and air forces, as well as other war potential, will never be authorized."³⁶ In 1951 the United States government found itself in the somewhat embarrassing position of having imposed a constitution banning armed forces and shortly thereafter having to ask the new ally to amend the same constitution to permit at least a small standing army.

➤ *Objections to the Treaty.* It would be incorrect to assume that since the conference was so carefully managed by the United States there were no objections to the treaty. In fact there were many. Those of India, Burma, and the Philippines have already been noted. The Soviet Union agreed with these countries and, besides, opposed the stationing of foreign troops in Japan after the occupation ended, because of the realization that, although the treaty did not spell this out, the United States would maintain its forces in Japan; the only difference would be that the former "occupation" troops would now be "security" troops, under a new treaty dispensation. The significance of the situation was obvious to a belligerent in the Cold War.³⁷

➤ *Related Treaties.* The settlement with Japan was important in its own right, but it must be fitted into the larger picture of American arrangements for international security in the whole Pacific region. We wished guarantees against a repetition of Japan's 1931-1945 aggressions, and so did several other nations.

³⁶ Constitution, Article IX; text in *Occupation of Japan, Policy and Progress*, Dept. St. Publ. No. 2671 (GPO, 1946), p. 119.

³⁷ For some of the Soviet objections, see *Int. Org.*, Feb. 1951, pp. 243-245; *Department of State Bulletin*, July 23, 1951, pp. 138-144; *ibid.*, Sept. 17, 1951, pp. 461-463. The Soviet Union could also maintain, with some validity, that the United States was expanding its power so rapidly in the Pacific region as to endanger Russian security. See Vera M. Dean, *The United States and Russia* (Harvard University Press, rev. ed., 1948), pp. 194-195.

Therefore, within the week before the 1951 San Francisco conference the United States signed two separate but related security treaties: one with the Republic of the Philippines and one with Australia and New Zealand.

The pact with the Philippines in its terminology was strongly reminiscent of the North Atlantic Treaty.³⁵ Thus the preamble recited the two states' desire ". . . to declare publicly and formally their sense of unity and their common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific Area, . . ." They thereupon agreed to settle in a peaceable manner any international dispute in which they might become involved and to behave consistently with the purposes of the United Nations. They agreed to maintain their armed forces so as to be able to resist attack and to consult together whenever there appeared to be a threat of attack. Furthermore,

Each Party recognizes that an armed attack in the Pacific area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes.

. . . an armed attack . . . is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.

These paragraphs are similar to the North Atlantic Treaty not only in their wording but in that they do not specifically commit the parties to mutual military assistance, although such action might be expected to follow in case the treaty were invoked; and in that action taken under the treaty was to be reported at once to the UN Security Council and terminated when the Council had taken the measures necessary to restore and maintain peace and security. Unlike the Atlantic prototype, the Philippine treaty was to remain in force indefinitely, although it might be denounced by either party on one year's notice. It should be recalled in this connection that, coincident with its grant of independence to the Philippines, in 1946, the United States had reserved rights to numerous military bases in the islands which might be useful in implementation of the 1951 treaty.

The Tripartite Security Treaty, signed by the United States, Australia, and New Zealand, was almost exactly the same as that with the Philippines, and indeed the operative clauses (the last two quoted above) were identical.³⁶ The two treaties were alike as to purpose and guarantees, differing only in the territory covered and in the fact that the Tripartite Treaty provided for the constitution of a Council of the three Foreign Ministers or their deputies to

³⁵ The Philippine treaty was signed on August 30, 1951; text in *Department of State Bulletin*, Sept. 10, 1951, p. 422.

³⁶ The Tripartite Treaty was signed on September 1, 1951; text in *Department of State Bulletin*, Sept. 24, 1951, p. 495. See also the *New York Times*, Sept. 2, 1951, pp. 1, 2, 3.

consider matters of implementation, whereas the other called for somewhat less formalized consultation of the Foreign Ministers, without the label of Council. For all practical purposes the two pacts may be regarded as twins.

The third treaty directly related to the peace settlement was the United States-Japanese Security Treaty.⁴⁰ Signed in San Francisco a few hours after the peace treaty, it spelled out American acceptance of a formal Japanese request that American armed forces continue to be stationed in Japan, although no longer in the capacity of victorious occupiers. The forces were to be there for the indefinite future, until the two governments agreed that UN or other security arrangements rendered their presence unnecessary to the security of Japan and of the Far East. American aid was to include "... assistance given at the express request of the Japanese Government to put down large-scale internal riots and disturbances in Japan, caused through instigation or intervention by an outside power or powers." This provision did not have Stalin's name on it, but it was nonetheless addressed to him. Not only would American troops be stationed in Japan but the latter also agreed not to grant similar privileges to any other country without the approval of the United States.

Secretary of State Acheson appropriately remarked upon the signature of the Security Treaty:

Taken together with the mutual defense treaty between the United States and the Philippines, the tripartite security pact between Australia, New Zealand and the United States, and the Japanese peace treaty which was signed this morning, this action adds another link in the chain of security against aggression in a most important part of the world.

➤ *Ratification and Significance of the Treaties.* In November 1951 the Japanese Parliament approved the peace and security treaties, and Japan ratified them. The United States Senate gave its approval in March 1952, by vote of sixty-six to ten. The peace treaty by its terms was to come into force when ratified by Japan and the United States, plus five of the ten other major participants in the Pacific war; this requirement was fulfilled shortly, and on April 28, 1952, the treaty formally went into force. SCAP ceased to exist, the occupation troops changed their name and function, and Japan was once more a sovereign equal in the family of nations.

Thus the war was over, but the peace was not yet won. The Cold War was still raging in the Far East as well as in Europe; although the United States had won important battles bringing important Pacific countries into our security system, there were no cries of surrender from the Kremlin.⁴¹ The Communists

⁴⁰ Signed Sept. 8, 1951; text in *Department of State Bulletin*, Sept. 17, 1951, pp. 464-465; see also the *New York Times*, Sept. 9, 1951, pp. 1, 3, 28.

⁴¹ On the conflicting Russian and American attempts to fill the Far Eastern power vacuum, see the last section of the preceding chapter and the references there cited, especially David J. Dallin, *Soviet Russia and the Far East* (Yale University Press, 1948), and Pauline Tompkins, *American-Russian Relations in the Far East* (Macmillan, 1949).

were still deeply entrenched in China and were powerful in Burma, Indo-China, India, and Indonesia; furthermore, by means of anti-American riots staged in Japan on May Day, 1952, immediately after the formal termination of the occupation, they made clear their intention to remain a force to be contended with in the island empire.

Although Japan had gone through the international wringer, its fundamental economic problems remained. Furthermore, some way was yet to be found to democratize Japan and to make it truly a peace-loving state. This was a task demanding the joint talents of Solomon and Hercules. In mid-1949 General MacArthur had announced that "The American people may feel assured . . . that those immutable concepts of American democracy offered here . . . will be cherished, preserved and advanced as the Japanese people march forward toward the higher . . . destiny within the fellowship of man."⁴² This stated a pious hope in which all democrats could join. However, some recalled that it had required generations, even centuries, to breed democrats in England and the United States, and they questioned whether even a Supreme Commander could within half a decade transform Japan into an equalitarian society, even though the same country had altered itself with amazing rapidity nearly a century earlier, after the initial visit of Commodore Perry. Indeed, no one could affirm with complete assurance that the sweeping MacArthur reforms would not be abridged, if not swept away altogether, when a truly independent Japanese government succeeded to the throne vacated by the Supreme Command of the Allied Powers.

One thing at least could one declare with certainty: diplomats concerned with the second century of American-Japanese relations would never have cause to complain that their predecessors had left them with no interesting problems to solve. A former American ambassador to Tokyo concluded one of his books on Japan with a quotation from Abraham Lincoln which is as pertinent to our relations with Japan today as it was to the situation to which it was originally applied: "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new so we must think anew and act anew."⁴³ Problems of a most vexatious nature were to be inevitable for years to come. The Japanese were necessarily going to look to the United States—a great Pacific as well as a great Atlantic power—for major aid in their solution. American statesmanship of the highest order would be called for if Japan was truly to assume a peaceful and constructive position in world society.

⁴² Quoted in *United States in World Affairs, 1949*, p. 451.

⁴³ Joseph C. Grew, *Report from Tokyo* (Simon and Schuster, 1942), p. 88.

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THE UNITED STATES AND THE UNITED NATIONS

15. THE UNITED NATIONS: ORIGIN

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THE UNITED NATIONS: ORIGIN

FREQUENT NOTATIONS have been entered on the preceding pages concerning the mid-century position of the United States as a successor in leadership to the United Kingdom. The responsibilities of this leadership could, it seemed, become too great for even the broad shoulders of Uncle Sam to bear alone, and in that case allies or associates would be in order. Furthermore, it was open to question whether the statesmen of this (or any other) nation were wise enough to make all policy decisions with good judgment, and therefore advisers would be in order. Certain it was that many French and English diplomats shook their heads at the occasionally sophomoric antics of the United States, and muttered that the youngster might have grown up physically, but was not yet possessed of mature judgment.

It is, incidentally, worthy of comment that both principal antagonists at mid-century, the United States and the USSR, had long records of sporadic isolationism and thus were inexperienced in the great game of international politics; both had need of seasoned counsel. An international organization, such as the United Nations, might be able to satisfy these needs of advice and allies. Apropos the common European fear that the United States in its impetuosity might plunge the world into a new war, and with the historian's eye for parallelism of phrase, Arnold Toynbee has demanded that there be "no annihilation without representation"—in other words, that nations other than America be called in to make the crucial decisions of these days.

THE UNITED NATIONS AND AMERICAN FOREIGN POLICY

➤ *Usefulness of the UN to the United States.* As will be shown in a moment, American officials on many occasions have stated that support of the United Nations is the keystone of current American foreign policy; and, as is generally known, this nation has played a major role in shaping the decisions of the UN.¹ The UN is of extreme importance to American policy makers, although for reasons that have not always crystallized in the mind of the man

¹ Conversely, UN membership has appreciably affected American foreign policies. See Benjamin V. Cohen, "The Impact of the UN on U.S. Foreign Policy," *Int. Org.*, May 1951, pp. 274-281.

in the street. These reasons were well expressed by Secretary of State Dean Acheson when he said:

Great empires have risen in this world and have collapsed because they took too narrow a view. . . . We must operate in a pattern of responsibility which is greater than our own interests. We cannot yield to the temptation, because we are virile and enthusiastic, of thinking that, because we believe a thing, it just must be right. We must not confuse our own opinions with the will of God.

That is essential for leadership. . . . We cannot take the attitude that we will coerce nations, . . . If we take that attitude, then we are creating a relationship indistinguishable from that which exists between the Soviet Union and countries associated with it. . . . We will continue to be accepted as the leader only if the other countries believe that the pattern of responsibility within which we operate is a responsibility to interests which are broader than our own—that we know today what Thomas Jefferson was talking about when he spoke of the need of paying a decent respect to the opinions of mankind.

How can we institutionalize that sense of responsibility? The means are at hand, have been used, and must continue to be used. The means lie in the United Nations. . . .²

In his 1946 message on the state of the union, President Truman said to Congress:

We have solemnly dedicated ourselves and all our will to the success of the United Nations Organization. . . .

It will be the continuing policy of the United States to use all its influence to foster, support, and develop the United Nations Organization in its purpose of preventing international war. If peace is to endure it must rest upon justice no less than upon power. The question is how justice among nations is best achieved. We know from day-to-day experience that the chance for a just solution is immeasurably increased when everyone directly interested is given a voice. That does not mean that each must enjoy an equal voice, but it does mean that each must be heard. . . .

The power which the United States demonstrated during the war is the fact that underlies every phase of our relations with other countries. We cannot escape the responsibility which it thrusts upon us. . . .³

In 1950 the same President returned to a similar theme:

The Charter of the United Nations is a contract among the members to settle their disputes peacefully and to promote the economic and social advancement of all peoples for the building and maintenance of a durable world order.

We support the United Nations and keep this contract because the Charter expresses our fundamental aims in the modern world. We know

² Remarks made to a press group on June 29, 1951; *Department of State Bulletin*, July 23, 1951, pp. 123-128. The same text, entitled "The Measure of Today's Emergency," appears as Dept. St. Publ. No. 4311 (GPO, 1951).

³ Message of January 14, 1946; *Docs. Am. For. Rel.*, 1945-1946, pp. 16-17.

that the fulfillment of the Charter will best advance our own vital interests—to attain peace with justice, to assure freedom, and to bring about economic and social progress, for ourselves and all peoples. It is for this reason that support of the United Nations is and must be Point 1 of our foreign policy.⁴

In the light of such authoritative statements as these, one may properly consider the United Nations to be of major importance in our international relations, and it is therefore appropriate to devote a considerable amount of time to study of its organization and functions.

PLANNING THE UNITED NATIONS

➤ *Failure of the League of Nations.* During the years between world wars the League of Nations had been the only world-wide organization with comprehensive functions relating to both political and technical affairs. As the years passed it became apparent to students of the League that it was effectively coordinating national policies and actions in such technical matters as labor, public health, and the control of narcotics, but that it was unable to cope with the political facts of international life. The Covenant's Article 19, for revision of unfair or outmoded treaties, on which many hopes had been pinned, turned out to be a dead letter that was never invoked. Attempts to define and punish aggression were unsuccessful. Although sanctions were once applied, to Italy when it invaded Ethiopia, they were too little and too late. Through the mandates system a measure of international supervision of some colonial areas was attempted, but with indifferent success. Disarmament or at least arms limitation was often on the League's agenda, most notably in the Geneva Conference of 1932, but nations refused to abandon their military weapons until they were assured of some better guarantee of international security, which was not in fact provided.

There can be no doubt that, politically speaking, the League was a failure; but the blame does not rest primarily with the League proper. The two chief difficulties were that certain major nations, such as the United States, Germany, and the Soviet Union, were either never members or were members only for short periods and that the states which might have provided the leadership in the creation of a truly significant international agency placed the shibboleth of national sovereignty before their desire for an international cooperative effort, although in the long run such an effort could have served their interests far

⁴ See *United States Participation in the United Nations: Report by the President to the Congress for the Year 1949*, Dept. St. Publ. No. 3765 (GPO, 1950), p. iii. See also, for similar statements, the companion *Report of the President to Congress for 1947*, Dept. St. Publ. No. 3024 (GPO, 1948), pp. iv, 253-260. It will be recalled that President Truman's inaugural address of January 20, 1949, wherein he announced the now famous "Point Four" program of technical assistance to underdeveloped areas, included as "Point One": "we will continue to give unfaltering support to the United Nations. . . ." *Docs. Am. For. Rels.*, 1949, p. 9.

better. To a major extent the League became only a convenient meeting place through which national policies of the victorious powers could be published after having been determined in private diplomatic consultations. Let us dismiss it by saying simply that the world was not yet educated to the possibilities of a really effective international cooperative movement in the political sphere. It is an interesting commentary on human thought processes that nations and peoples can and do cooperate with one another to solve such problems as an epidemic of disease, which knows no national frontiers and obviously must be stopped by international action, but they join hands only grudgingly if at all when the danger is the less obvious but eventually far more significant one of politico-economic aggression and war.

➤ *Plans for New International Organizations.* Japan's invasion of Manchuria, Hitler's violation of the Versailles and Locarno treaties, and Mussolini's conquest of Ethiopia demonstrated clearly that the League was doomed, since it did nothing sufficient to halt these violations of international peace and stability. Consequently, even before the outbreak of World War II there was a considerable and growing body of opinion which held that a substitute must be devised. One of the most prominent suggestions was that of Clarence K. Streit, an exceptionally able former correspondent of the *New York Times* who had spent years reporting on the disintegration of the Geneva institution. His proposal for a Federal Union of the North Atlantic democracies elicited widespread support.⁵ Briefly expressed, his idea was to create a federal union, more or less analogous to the United States, of fifteen democracies whose interests centered in the North Atlantic area. It would provide a central government, with control over such matters as defense, currency, free trade, communications, and citizenship. Strong guarantees similar to those in the United States Bill of Rights would be enforced by all members of the Union, and other nations would be invited to join as soon as they were willing to abide by similar guarantees and to accept the other obligations of the Union. Wide discussion of the plan ensued, proponents maintaining that with the Union as a nucleus a true world government of free peoples would ultimately be established, and opponents declaring just as firmly that the Union would be, or would be construed as being, simply a military alliance of the democracies against the dictatorships and would evoke a counteralliance. At any rate, even though it was not adopted, Mr. Streit's proposal highlighted the need for some instrument of real international political cooperation.⁶

⁵ See his *Union Now* (Harper, 1939), and *Union Now With Britain* (Harper, 1941). For a more general discussion of the breakdown of the League system, and proposals for change, see Percy E. Corbett, *Post-War Worlds* (Farrar and Rinehart, 1942). See also Sylvester J. Hemleben, *Plans for World Peace Through Six Centuries* (University of Chicago Press, 1945); Edith Wynner and Georgia Lloyd, *Searchlights on Peace Plans* (Dutton, 1944).

⁶ The foregoing summary should not be taken to imply that the Federal Union plan disappeared with the coming of the war. The organization set up by Mr. Streit to promote his ideas survived the war and is still very much alive, as is indicated by the publication of a

With the coming of World War II, official as well as popular opinion was stimulated to devise an organization that might supplant the League after the war, it being taken for granted that the League itself was a war casualty. An early statement looking tentatively in this direction was the famous Atlantic Charter, announced by President Roosevelt and Prime Minister Churchill after their secret meeting in August 1941. Basically this was a statement of war aims designed to strengthen their own countries' morale and to win adherents to the cause, but there were incidental references to establishment of a postwar peace "... which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want," and in which the crushing burden of armaments would be lightened. Nothing was said specifically about a new League, and indeed little could have been said at that point.⁷ Five months later the United States was fully at war with the Axis, after having been for two years in the anomalous position of taking "measures short of war" that were actually warlike. The changed situation was graphically illustrated by the signature in Washington on January 1, 1942, of the Declaration by United Nations, by which the governments of the United States, the United Kingdom, the Soviet Union, and China pledged themselves to employ their full resources against the Axis, to cooperate with one another, and not to make a separate peace. On the following day twenty-two other nations signed, and by the end of the war forty-seven had undertaken to carry out the same pledge. In this declaration there was no reference to the creation of a peacetime organization—this was strictly a wartime alliance—but it was a significant document in that the term "United Nations" was used and was carried over into the peace; in that the United States here fully allied itself with the other powers instead of merely "associating" with them; and in that when the time came to call the United Nations Conference on International Organization at San Francisco, in 1945, the invitation list was made up from the signatories of this declaration.

➤ *State Department Planning.* Long before this the Department of State,

new edition of Mr. Streit's book *Union Now* in 1949, the maintenance of national headquarters in Washington, and an extensive publication program. *Freedom and Union* is the official periodical of the organization.

⁷ The text of the Atlantic Charter and of the other documents that will be mentioned in this background survey can be found in several publications. Some of the most convenient are the following: Sigrid Arne, *United Nations Primer* (Rinehart, rev. ed., 1949); World Peace Foundation, *The United Nations in the Making: Basic Documents* (World Peace Foundation, Boston, 1945); the successive annual volumes published by the World Peace Foundation entitled *Documents on American Foreign Relations* (cited as *Docs. Am. For. Rels.*); and the invaluable documentary collection prepared by the staff of the Senate Committee on Foreign Relations and the Department of State, *A Decade of American Foreign Policy: Basic Documents, 1941-49* (81st Congress, 1st Session, Sen. Doc. No. 123; GPO, 1950, especially pp. 1-51. A detailed "Chronology of the UN" from the Atlantic Charter to June 1947 is found in the *Yearbook of the United Nations, 1946-47* (Lake Success, 1948), pp. 867-878. This annual publication of the UN Secretariat presents a wealth of textual and documentary material on the activities of the UN; cited simply as *UN Yearbook*, it will be referred to frequently in the pages that follow.

like other foreign offices, was anticipating the problem of creating an organization to replace the League after the war. In late 1939, not long after the outbreak of World War II, Secretary Hull had appointed a departmental committee on postwar problems, and this committee did the initial spadework that eventuated in the Dumbarton Oaks Proposals and the United Nations Charter. In 1941 a Division of Special Research was created within the Department, and to it was confided the task of postwar planning.⁸

Although the demise of the League may have been a foregone conclusion, the adherence of the United States to a substitute was not. The memories of many people carried them back to the years 1915-1920, when private organizations of leading Americans, such as the League to Enforce Peace, demanded a postwar establishment to guarantee peace, when President Wilson carried the torch for the League of Nations, but when the Senate, materially aided by the constitutional two-thirds rule for the approval of treaties, refused to permit the ratification of the Versailles Treaty or the membership of the United States in the League. Fervent wartime cooperation had soured into peacetime isolationism and the desire to return to "normalcy." Who was to say that the history of the years after World War II would differ essentially from that of 1920? It was a problem that worried not only President Roosevelt and the Department of State but also many responsible leaders on Capitol Hill, to say nothing of private citizens of this country and statesmen of other countries.

➤ *Congressional Resolutions.* The executive branch of the government was putting itself securely on record, in meetings of Foreign Ministers and heads of state, in favor of international cooperation for peace; now several resolutions were introduced into the two houses of Congress which sought to do the same for that branch.

One such resolution was introduced into the House in June 1943 by Representative (later Senator) J. William Fulbright, of Arkansas, and in September it passed by a vote of 360 to 29. It proposed no details of international organization, but simply expressed the policy of the House as favoring "... the creation of international machinery with power adequate to establish and to maintain a just and lasting peace, among the nations of the world, and as favoring participation by the United States therein through its constitutional processes." The last four words had been added during consideration by the House Committee on Foreign Affairs. They were evidence of the traditional congressional fear that the executive branch might go too far and too fast in the direction of international commitments; and they said in effect that there should be no American participation except on the basis of a treaty that would be subject to senatorial approval.

⁸ See Cordell Hull, *The Memoirs of Cordell Hull* (Macmillan, 2 vols., 1948), Vol. II, pp. 1625-1655; also Graham H. Stuart, *The Department of State* (Macmillan, 1949), pp. 344-345, 378-380.

The Fulbright Resolution was never acted upon by the Senate, but it did spur the senators into action on their own; at least a dozen resolutions looking toward the same general end were introduced in the Senate. Probably best known in the country at large was the "B₂H₂ Resolution," so named from the initials of its sponsors: Senators Ball, of Minnesota; Burton, of Ohio; Hill, of Alabama; and Hatch, of New Mexico. Introduced in March 1943, it indicated the Senate's desire "that the United States take the initiative in calling meetings of representatives of the United Nations for the purpose of forming an organization of the United Nations with specific and limited authority" to prosecute the war, administer enemy territory, give relief in liberated areas, ". . . to establish procedures and machinery for peaceful settlement of disputes and disagreements between nations," and ". . . to provide for the assembly and maintenance of a United Nations military force and to suppress by immediate use of such force any future attempt at military aggression by any nation."

Along with eleven other resolutions, the foregoing one was sent to the Senate Foreign Relations Committee for study; on October 21, 1943, that body reported in favor of the less definite Connally Resolution, which requested merely "that the United States, acting through its constitutional processes, join with free and sovereign nations in the establishment and maintenance of international authority with power to prevent aggression and to preserve the peace of the world." Attempts were made by several senators to strengthen this language but were to no avail. Just at this point came the announcement concerning the Moscow meeting of Foreign Ministers (to which detailed reference will be made shortly), and the Senate did accept an additional paragraph which repeated almost verbatim part of the conference's final communiqué:

That the Senate recognizes the necessity of there being established at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security.

With this addition and another safeguarding the right of the Senate to pass upon treaties, the Senate approved the Connally Resolution by a vote of eighty-five to five, on November 5, 1943.⁹ Thus the Senate took a much weaker stand than many would have liked, but it was at least a considerable advance over the type of attitude displayed by that body in 1919-1920 in the debate over the League Covenant.

➤ *The Republican Attitude.* It is also worthy of note that on September 7, 1943, the Republican party, at a Post-War Advisory Council meeting at Mackinac Island, Michigan, had adopted a call for "responsible participation by the United States in postwar cooperative organization among sovereign

⁹ For texts of several of these resolutions, see *Docs. Am. For. Rels., 1943-1944*, pp. 315-323.

nations to prevent military aggression and to attain permanent peace with organized justice in a free world." These may be dismissed as brave words glibly spoken, and certainly it was simple enough to adopt them so far in advance of their actual application to a specific problem, but it was nevertheless significant that this stand should be taken by the party that had been so aggressively isolationist two decades earlier.

➤ *The Moscow Conference, 1943.* Thus it is apparent that planning for a peacetime United Nations was proceeding apace in this country. Let us now transfer attention once more to the international level, and more particularly to the meeting in Moscow in 1943 of the Foreign Ministers of the Big Four (the United States, the United Kingdom, the Soviet Union, and China). At the conclusion of the meeting, on October 30, 1943, the Foreign Ministers issued a Declaration of Four Nations on General Security, in which they recognized the necessity of early establishment of a "general international organization based on the principle of the sovereign equality of all peace-loving states." This was the first time that the Soviet Union had officially and publicly agreed to such an agency. Further agreements reached at this meeting provided for joint action in prosecuting the war, for settlements to be made with Italy and Austria, and for prosecution of war criminals.

➤ *The Teheran Conference, 1943.* A month later this meeting of Foreign Ministers was supplemented by a meeting of three principal heads of state in Teheran, Iran, whence on December 1, 1943 issued a declaration signed by Roosevelt, Churchill, and Stalin reiterating their "determination that our nations shall work together in war and in the peace that will follow." This was the first occasion on which Stalin himself had attended such a meeting, and the first such agreement he had signed. In the last paragraph of the declaration were two sentences that betrayed the unspoken but very real Anglo-American fear of incomplete cooperation by Russia in war and peace, and the belief that at this meeting more cordiality and mutual trust had been generated than at any previous time: "We came here with hope and determination. We leave here, friends in fact, in spirit and in purpose." As far as the creation of an ultimate peacetime United Nations was concerned, it was announced that

We shall seek the cooperation and active participation of all nations, large and small, whose peoples in heart and mind are dedicated, as are our own peoples, to the elimination of tyranny and slavery, oppression and intolerance. We will welcome them, as they may choose to come, into a world family of Democratic Nations.

➤ *The Dumbarton Oaks Conference, 1944.* The next step was to reduce to specific statements on paper some of the generalities that had been uttered. This was done at the Dumbarton Oaks Conference, held from late August to early October 1944. At this meeting, representatives of the United States, the United Kingdom, Russia, and China were able to reach agreement on some of

only ones that the Big Three had covered at Yalta. One of the things that brought the other agreements into the open was the Soviet Union's occupation of the Kurile Islands shortly after the Japanese capitulation, in the summer of 1945. When loud protest was raised against such Soviet action, the answer was given: "It was approved at Yalta." In the course of events President Truman and his Secretary of State had to admit in considerable embarrassment that they had not known of Roosevelt's agreement to such action by Russia, and that apparently the text of the secret agreement to this effect was in the dead President's personal files. The whole story did not come out officially until March 24, 1947, when the State Department published the texts.¹⁸

A wartime bargain of the first magnitude had been struck at Yalta. Stalin's agreement to enter the war against Japan within three months after German defeat had been bought at the price of acquiescence in the Soviet Union's receiving Karafuto (the southern half of the island of Sakhalin, the northern half of which had long been Russian) and the Kurile Islands from Japan; further, Dairen (in the strategic Liaotung Peninsula of southern Manchuria) would be internationalized and Port Arthur (also in the Liaotung Peninsula) would become a Russian naval base. Although China was to retain full sovereignty over Manchuria, there would be joint Sino-Russian management of the Chinese Eastern and South Manchurian Railroads. President Roosevelt undertook to obtain the "concurrence" of Chiang Kai-shek in the Manchurian matters, a concurrence which under the circumstances could not be refused. This feature of the deal has been bitterly attacked. Few were or are squeamish about rewarding the Russian ally at the expense of the Japanese enemy, but bargaining away the rights or interests of the Chinese ally was another matter. Chiang was not consulted in advance, but the notoriously lax security of information in the Chinese government can be adduced as justification for this fact.

Further agreements secretly concluded at Yalta called for later consultation on UN trusteeship matters, German reparations, and a French zone of occupation in Germany.

Three agreements were reached that were of great significance to the development of the UN. First, it was at Yalta that the Great Power veto procedure was developed, which ultimately was to be incorporated into Article 27 of the UN Charter, and which will be discussed later. Secondly, the United States agreed that at the San Francisco Conference it would support the membership applications of the Ukraine and Byelorussia. Their membership in effect gives the USSR three votes in the General Assembly, and the agreement has been criticized accordingly. Theoretically the granting of international rep-

¹⁸ Much of the story had been divulged or surmised prior to 1947. For example, see *United States News*, Feb. 8, 1946, p. 8; *ibid.*, Feb. 15, 1946, pp. 15-16; *Time*, Feb. 11, 1946, p. 20. For the full text of the Yalta agreements, see *Docs. Am. For. Rels.*, 1945-1946, pp. 919-924.

resentation to these constituent republics of the Soviet Union can be justified on the basis of the federal nature of the Soviet Union and the ostensible constitutional right of these republics to conduct their own foreign relations. Practically speaking, of course, this federalism in the Soviet constitution is as evident in that country as is Jeffersonian democracy. When Roosevelt made this concession he reserved the right to ask, at San Francisco, for three equivalent votes for the United States, but the request was never made. The third agreement was that the states invited to be represented at the San Francisco Conference would be those which had signed the Declaration by United Nations of January 1, 1942, and those which had declared war on the Axis by March 1, 1945.¹⁴

Probably no single wartime conference has generated so much postwar heat as did Yalta. There are those who are convinced that Roosevelt was guilty almost of treason for his action at Yalta; and there are others who, more charitably, look upon his actions as the kind that could be expected from a sick man who in fact died two months later and over whose eyes the wool could easily be pulled. There are others who justify the actions taken at Yalta, on various grounds. For one thing, it is known that Churchill and Roosevelt wished to obtain the maximum amount of aid from Stalin, and they may well have calculated the gain resulting from long-run Russian cooperativeness to have been worth far more than the cost.¹⁵ Secondly, American military authorities were at this juncture planning the climactic amphibious assault on the Japanese islands of Kyushu and Honshu and were grimly reconciling themselves to a probable human cost of one million casualties. The efficacy of the atomic bomb was then unknown, and Roosevelt may well have figured that the deal made at Yalta was an excellent one if by assuring Russian military action against Japan it decreased the number of American casualties. However, the settlement of this argument is not our responsibility.¹⁶ From the present point of view, the

¹⁴ Forty-six states qualified for membership in the United Nations Conference on International Organization, and therefore in the UN, under this formula. Additional representatives were permitted at San Francisco to Byelorussia and the Ukraine, by virtue of that section of the Yalta agreement mentioned above; Argentina was admitted under the terms of another special arrangement; and a Danish representative was admitted as soon as Denmark was liberated. Thus fifty states were represented at San Francisco. The conference refused to admit delegates of the Russian-dominated Polish government, but provision was made for subsequent Polish signature of the Charter and thus for Poland to become a charter member of the UN. When the first Assembly meeting convened, in January 1946, then, there were fifty-one members of the UN. This number increased to sixty by the end of 1950.

¹⁵ For evidences of this Anglo-American feeling, see Arne, *op. cit.*, pp. 18, 24, 28, 30, 50.

¹⁶ For further reading on this hotly disputed point, see Raymond Swing, "What Really Happened at Yalta," *New York Times Magazine*, Feb. 20, 1949, p. 20; James F. Byrnes, *Speaking Frankly* (Harper, 1947), pp. 21-45; Robert E. Sherwood, *Roosevelt and Hopkins* (Harper, 1948), pp. 850-870; Edward R. Stettinius (Walter Johnson, ed.), *Roosevelt and the Russians* (Doubleday, 1949); and W. Averell Harriman, "Our Wartime Relations with the Soviet Union and the Agreements Reached at Yalta," *Department of State Bulletin*, Sept. 3, 1951, pp. 371-379. It is worthy of note that the Senate granted approval of the

importance of the Yalta Conference lies in its agreements on the membership and dates of the UN organizing convention and in its understanding relative to voting procedure in the Security Council.

ADOPTION OF THE UN CHARTER

➤ *The San Francisco Meeting, 1945.* Whatever the rights and wrongs of Yalta, the meeting that it anticipated convened in San Francisco on April 25, 1945, and continued its sessions until June 26, when the representatives of fifty nations formally signed the United Nations Charter.¹⁷ This United Nations Conference on International Organization (UNCIO) differed significantly from the Versailles Conference, which drafted the League of Nations Covenant. For one thing, the San Francisco Conference was called simply for United Nations purposes; it did not pretend to make the peace, since the war was still in progress, although victory over the European branch of the Axis came while it was in session.

One of the criticisms of the old League was that its constitution was an integral part of the peace settlement of Versailles and that in the minds of many, especially the vanquished, the connection was a real and not only a chance one: the League tended to become a council of victors, charged with maintaining their superior position. This argument was bolstered by the fact that the Allies' major opponent, Germany, was not admitted to the League until 1926. The same criticism could not be leveled at the 1945 procedure. Not only was the creation of the UN separate from the peace settlement but there was a specific understanding that the UN would not be called upon to solve the problems arising directly out of the war. These issues would presumably be handled by a peace conference, while the UN devoted its entire attention to other matters.¹⁸

Another important difference between the Versailles and San Francisco meetings has to do with the speed with which the new organization's constitution was worked out. The Covenant had suffered badly from impromptu drafting. It is true that such private organizations as the League to Enforce Peace

Japanese peace treaty of 1951 subject to the qualification that it was not thereby approving Yalta's territorial concessions to the Russians. See the *New York Times*, Feb. 10, 1952, p. 8E.

¹⁷ No detailed attention will be given here to the proceedings of the San Francisco conference. The complete record will be found in the official compilation published at Washington by the Government Printing Office: *Documents on the United Nations Conference on International Organization, San Francisco, California, April 25-June 26, 1945*, 15 vols. and index. Briefer sources include the following: *The United Nations Conference on International Organization—Selected Documents*, Dept. St. Publ. No. 2490 (GPO, 1946); Arne, *op. cit.*, pp. 116-138; *UN Yearbook, 1946-47*, pp. 1-43; Grayson L. Kirk and Lawrence H. Chamberlain, "The Organization of the San Francisco Conference," *Political Science Quarterly*, Vol. LX (1945), pp. 321 ff.

¹⁸ See the UN Charter, Articles 106-107. As a matter of fact, these articles have not been completely observed, and numerous disputes arising from World War II have in fact been dropped in the UN's lap, such as the Iranian troubles of 1946 and the Berlin blockade of 1948.

had done some preliminary thinking since 1915 about postwar organization, but precious little groundwork had been laid by the State Department or by other foreign offices. At Versailles the Covenant was drafted by one of the several conference commissions, and by general admission the job was done far too hastily. There was no lack of advance discussion of the UN Charter, as we have seen. Furthermore, the UNCIO devoted two full months to its task, whereas the Versailles counterpart did the corresponding work in two or three weeks. Even so, as will later be observed, the Charter's wording leaves a good deal to be desired in the matter of clarity.

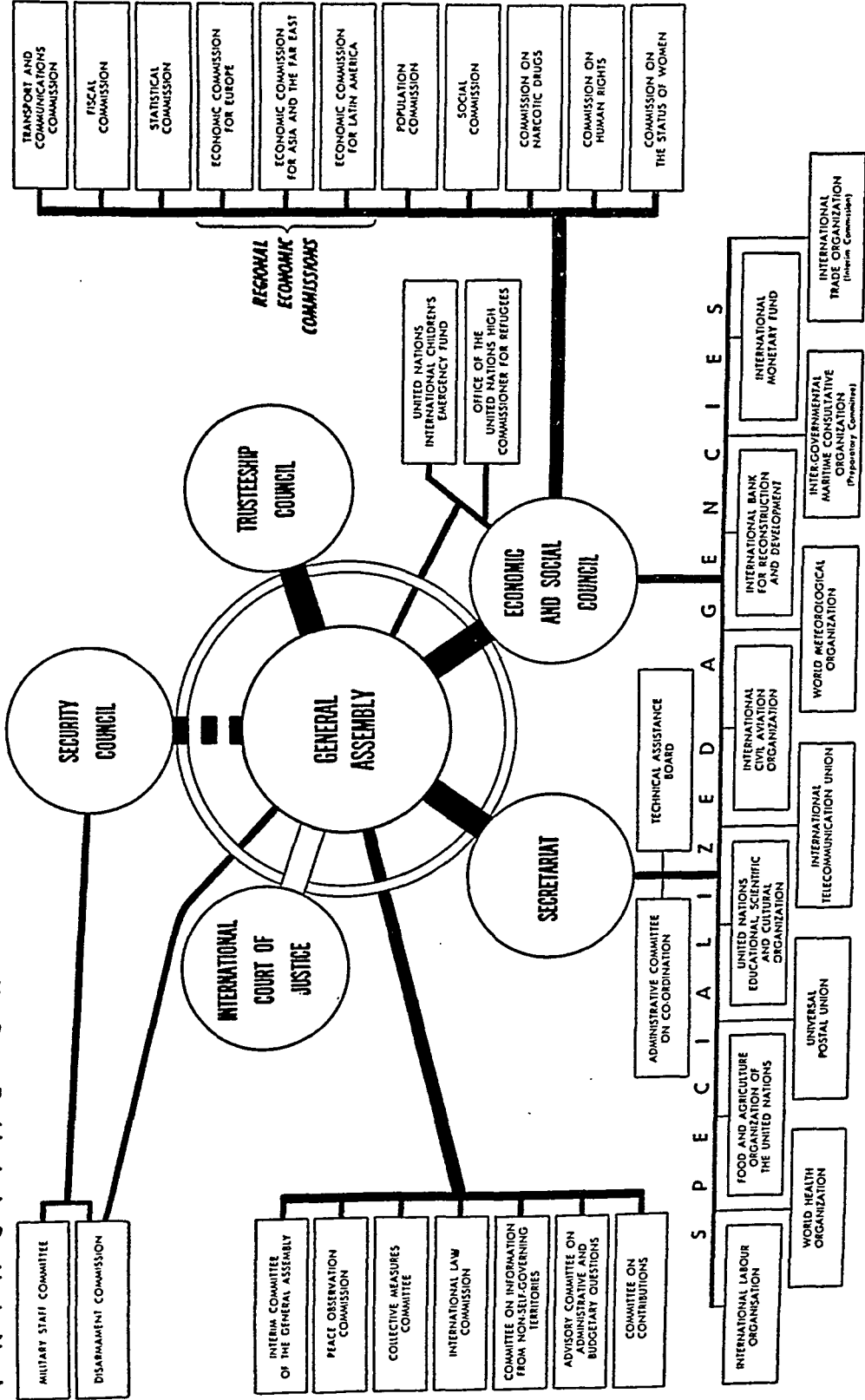
➤ *American Approval of the Charter.* When the UNCIO adjourned, in June 1945, the question on all lips was: "What is the United States going to do about it this time?" Would the United States, after having again taken the lead in the creation of an international organization, again renege? Many feared that history would repeat itself. However, as public-opinion polls had shown during the past few years, the American people had learned many lessons from the isolationism of the pre-1941 years; furthermore, as had been demonstrated by the Fulbright and Connally Resolutions, Congress was no longer led by such men as Henry Cabot Lodge and William E. Borah. On the other hand, Franklin Roosevelt, whose leadership and political skill could have been counted on to sway many votes, had died only two weeks before the UNCIO convened, and the competence of his successor remained to be established. At all events, the press and public campaign for Big Five ratification swung into high gear immediately after the adjournment at San Francisco.

As it turned out, fears of Senate opposition to the Charter proved largely groundless. Elaborate plans had been laid to overcome opposition there, but the Senate discussion developed in almost perfunctory fashion, culminating, on July 28, 1945, in approval of the Charter by the overwhelming vote of eighty-nine to two.¹⁰ The hurdle had been cleared with far less trouble than had been anticipated, and the world-wide sigh of relief was almost audible. Meanwhile other ratifications were proceeding apace. The Charter provided (Article 110) that it should come into force when ratified by the Big Five and a majority of the other signatories. On October 24, 1945, Secretary of State Byrnes could

¹⁰ The two dissenters were Senators Langer (North Dakota) and Shipstead (Minnesota). In connection with the "elaborate plans" referred to above it should be recalled that Roosevelt, in an effort to avoid the serious political blunder committed by Wilson in 1919, had seen to it that the American delegation to the UNCIO should include not only such persons as the Secretary of State (Stettinius) but also the chairman and the ranking minority member of the Senate Foreign Relations Committee, Senators Tom Connally (Texas) and Arthur Vandenberg (Michigan). It should also be noted that administration fear of Senate opposition to any international constitution had been so great in the middle years of the war as to lead to the making of plans to circumvent senatorial treaty approval by the device of accepting U.S. membership in the UN by joint resolution of the two houses. This would have required only a simple majority in each house, rather than the more difficult two-thirds majority in the Senate. See the discussion of the "Green-Sayre formula" in Kenneth Colegrove, *The American Senate and World Peace* (Vanguard, 1944), Chapters 2 and 6; also L. H. Chamberlain and R. C. Snyder, *American Foreign Policy* (Rinehart, 1948), pp. 84-87.

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make the formal announcement that the Charter was officially in force, since with the deposit of ratifications by the Soviet Union, the Ukraine, and Byelorussia the requisite number had been attained and the organization had been made a living thing.²⁰ Preparations were now intensified for creation of the actual machinery, and on January 10, 1946, the first meeting of the General Assembly opened in London. It augured well that fifty-one states, representing more than three fourths of the world's population, were so soon after the end of the war putting their shoulders to the heavy wheel of peacetime organization. This was a far more auspicious beginning than had been vouchsafed to the League. A few months later the latter, through the medium of an Assembly meeting, pronounced its own death sentence and transferred its buildings, libraries, and other assets to the UN.²¹

SOME GENERAL FEATURES OF THE CHARTER

The several chapters to follow will deal in some detail with the organization and functions of the various organs of the United Nations. For the remainder of the present chapter attention will be directed to some aspects of the Charter that will not come up for consideration later.

➤ *Contradictions of the Charter.* At the very outset of the Charter one runs into difficulties. After what some regard as merely pious verbiage expressing the will of the members to preserve peace and to achieve international agreement on economic, social, cultural, and political problems come the statements that "the Organization is based on the principle of the sovereign equality of all its Members" and that "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State." Thus do the old bugaboos of international relations rear their heads. Yet these provisions as to state sovereignty and domestic jurisdiction are followed by authorizations, in Article 11, under which

The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament. . . . The General Assembly may discuss any questions relating to the maintenance of international peace and security. . . . [The Assembly] may call the attention of the Security Coun-

²⁰ All signatories had deposited their ratifications by December 27, 1945. On October 31, 1947, the UN General Assembly declared October 24 thenceforth to be "United Nations Day" and asked member states to cooperate in observing it with appropriate ceremonies.

²¹ On April 18, 1946, the League Assembly adopted a resolution providing for the dissolution of the League as of the last day of that Assembly's session, and for the transfer of assets to the UN and some of the UN specialized agencies. See text in *Int. Org.*, Feb. 1947, pp. 246-251. This quarterly journal has been published since early 1947 by the World Peace Foundation, which has thereby been performing an immense service to students of the UN; each issue gives a résumé of the activities of the various UN organs (as well as of non-UN international agencies) within the preceding few months. Heavy reliance has been placed on this periodical in the pages that follow.

cil to situations which are likely to endanger international peace and security.

It is obvious that there is contradiction in these provisions of the Charter. For example, disarmament and military policy will be considered by every sovereign state to be within its domestic jurisdiction, and yet the Assembly is given the right to "consider" such matters. As we have noted earlier, in connection with military, immigration, tariff, and other policies Solomon himself could not draw a hard and fast line between domestic and international jurisdiction. Later chapters will present several concrete manifestations of this conflict.

➤ *The Trend Toward International Jurisdiction.* There is nothing new about the question of what matters are domestic and what matters international; a similar problem arose under the League. In 1923 an opinion was requested of the Permanent Court of International Justice on the standing of certain French nationality decrees in Tunis and Morocco. In the course of its opinion, the Court stated that:

The question whether a certain matter is or is not solely within the jurisdiction of a State is an essentially relative question; it depends upon the development of international relations. Thus, in the present state of international law, questions of nationality are, in the opinion of the Court, in principle within this reserved domain.²²

It appears, however, on the basis of the first few years' experience, that the tendency has been for the UN Assembly and Council not to construe the "domestic jurisdiction" restriction nearly as narrowly as they might. It further appears that the problem of domestic jurisdiction has been treated not only as a problem in law but more broadly, as a question of policy, so that again an excessively narrow interpretation has been avoided.²³

➤ *Membership Policy.* The membership of the UN is defined as including those states which participated in the San Francisco Conference or those signatories of the 1942 Declaration by United Nations who ratify the Charter. New members are admitted after having been recommended by at least seven members of the Council, including all the Big Five, and having received a two-thirds vote of the Assembly. Several states have gone through this process already, bringing the total membership in 1953 to sixty. Several other countries had made application and been turned down; details on these cases will be supplied in the chapters on the General Assembly and the International Court of Justice.

➤ *Expulsions.* Not only do the Council and Assembly by joint action

²² Manley O. Hudson, ed., *World Court Reports* (Carnegie Endowment for International Peace, Washington, 1934), Vol. I, p. 156.

²³ On this question, see the article by L. M. Goodrich, "The United Nations and Domestic Jurisdiction," *Int. Org.*, Feb. 1949, pp. 14-28. See also Quincy Wright, "Recent Trends in the Evolution of the UN," *Int. Org.*, Nov. 1948, especially pp. 626-627.

admit new states to the UN but they have also, under Articles 5 and 6, power to suspend or expel members; these actions would be taken by the same votes required to admit. Under the League, on the other hand, the Council was granted the power of expulsion if all the member states except the expellee agreed; this power was exercised only once, when the Soviet Union was thus penalized for its aggression against Finland in 1939. No member has been expelled from the UN; in fact, there has never been serious official consideration of expulsion. Flurries were occasionally raised over unofficial proposals, such as that of former President Hoover in 1950 to expel the Soviet Union, but the weight of responsible governmental opinion was opposed.

➤ *What the UN Is Not.* A large segment of the public appears to have been "oversold" on the peace-preserving potentialities of the UN and is plunged into despondency over the organization's abilities because peace has not materialized at once. An appreciation of what the UN can and cannot be expected to accomplish is essential to an evaluation of the organization.

The UN is a piece of potentially very useful international machinery in that it provides a coordinating device for the otherwise unrelated international actions of national governments, but by no stretch of the imagination is it a superstate erected over those governments. It does not have the powers of a true international government, and it was not intended to have them. A real government would be in a position to issue binding orders to its citizens or subjects and to penalize noncompliance. Under some circumstances, as will be seen shortly, the Security Council may issue something resembling orders to an aggressor state, but the carrying out of these orders is dependent upon military force, which has not yet been provided.

The UN might have difficulty in coercing a third-rate power, but it finds itself completely unable to enforce its will against a major power. The Big Five stand little if any chance of being ordered about by the UN. The first reason is that international orders would in the last resort have to be enforced by an international military agency, and there never has been the slightest possibility that the UN would have at its command an army or navy large enough to overpower that of Britain, Russia, or the United States. Secondly, no military sanctions can be applied by the Council except by a vote of seven members, including all of the Big Five. In order, therefore, for sanctions to be voted against the United States, for example, the United States would have to cast a vote approving such action—and one can scarcely conceive a more remote possibility. It is true, as will be noted below, that in late 1950 new arrangements were made by which the Assembly (as well as the Council) might under some circumstances be able to marshal military force against an aggressor, and it is also true that no veto exists in the Assembly. However, it remains an open question whether that body would be able successfully to apply military sanctions against one of the Big Five.

It should be noted, furthermore, that the UN is not universal. Its membership represents the great majority of states and populations of the world, but a sizable minority remains outside the organization. Some states wish to maintain complete neutrality and therefore steer clear of the UN, some have applied for membership and have been refused, and some are former enemy states not yet reaccepted into polite international society. In 1950 one of Secretary-General Trygve Lie's proposals for a long-range peace included the suggestion that universality be attained, on the theory that there is more moral and physical force behind a universal organization than behind a more limited partnership. This ideal awaits realization.

➤ *The UN Attitude Toward Force.* One more observation must be made. The League atmosphere was usually laden with the concepts that all force of a military nature was necessarily bad and that the only way to attain world peace was by disarmament. Such ideas were essentially unrealistic. In the first place, force by itself is neither good nor bad. Just as a gasoline engine may be used to power either a hit-and-run automobile or an ambulance, so political and military force may be desirable or not, depending upon the motive and means of application. In the second place, large armed forces exist largely in recognition of the fact that no better means of ensuring national security has been devised and accepted by the nations. Even a government as non-militaristic as that of the United States makes it very clear that it has not the slightest intention of disarming until the prospects of preserving security by some means other than weapons become brighter than they are now.

The UN is realistic in its acceptance of these facts of life. The Charter does indeed speak of disarmament, but in such a manner as to indicate clearly that it is an ultimate rather than an immediate goal. The Charter also authorizes the Security Council, at least in certain circumstances, to effectuate its decisions by the use of military force, and it provides for the organization of that force. The UN's constitution, then, frankly recognizes that force may be necessary and that it should be used when sufficient safeguards against its misuse are provided and when it is used to put down international criminality. It is to be hoped that the force applied will be that of the policeman rather than that of the gangster.

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THE GENERAL ASSEMBLY

MUCH UNNECESSARY GLOOM over the General Assembly's activities and prospects has been engendered by a widespread misconception of that body's function within the UN scheme. Under such a misapprehension are the newspaper reporter who a few years ago summarized the accomplishments of an Assembly session as follows: "It succeeded in doing nothing, and doing it very nicely," and the critics who complain that the Assembly ought to "get busy and get something done." One who reads carefully Chapter IV of the UN Charter soon discovers that the Assembly was not intended by its creators to be an agency of action. Thus many of its critics inveigh against it because it does not accomplish what it was never designed to accomplish.

PURPOSES AND FUNCTIONS

➤ *Discussion.* The fact of the matter is that the Assembly, under Chapter IV, may "discuss any questions or any matters within the scope of the present Charter," may "consider the general principles of cooperation in the maintenance of international peace and security," "may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations," and so on. The verbs, it will be noted, consistently have to do with discussion and deliberation, not with executive action. The Assembly, then, is a discussion, rather than an action, agency, insofar as its peace-preserving functions are concerned. This must be kept in mind as one evaluates its effectiveness. Senator Arthur Vandenberg, one of the fathers of the UN, once described the Assembly as "the town-meeting of the world"; the analogy should not be pressed too far, but the phrase is a good one, especially as it refers to the representative function of the Assembly.

➤ *Recommendation.* In addition to having "town-meeting" functions, the Assembly undertakes studies and makes recommendations looking toward international progress in such fields as codification of international law, safeguarding of human freedoms, and cooperation among nations in social, economic, health, and cultural matters. These duties will be considered in some detail in our discussion of the Economic and Social Council, which is the Assembly's work-

shop for such affairs. Another function that will be illustrated later is the making of recommendations for preserving or restoring peace in a dispute not under consideration in the Security Council.¹

➤ *Treaty Revision.* The framers of the Treaty of Versailles inserted into the League Covenant as Article 19 the widely heralded provision that "The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world." Hopes were high, in the early 1920's, that this article might provide a safety valve to relieve pressures generated by sections of the Versailles Treaty which had seemed inequitable or unwise from the start, or which, owing to passage of time, seemed to require revision in the interest of justice. Certainly some provision for peaceful change is a necessary feature of any well-developed governmental institution. Unfortunately Article 19 was never successfully invoked.

The framers of the Charter made no specific provision for treaty revision. However, this function may be inferred from Article 14, which authorizes the Assembly "to recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations." It is assumed that an outmoded treaty could easily tend to impair friendly relations among nations and that its revision would therefore be a proper subject of recommendation under this article. It is to be remembered, however, that under the UN as under the League the Assembly's function in such matters is only to advise or recommend, and that it has no power to order, however desirable some might consider this power to be.

➤ *Supervision of UN Agencies.* It is the Assembly's duty under Article 15 to receive and consider reports from the various organs of the UN. Powers of criticism and direction in these matters are in part assumed and in part directly stated. Mention should be made here of one of the peculiarities of the Charter: Article 7 establishes six "principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat." An American, governmentally reared on the principle of separation of powers, is apt to assume that these six organs are coordinate in power. Actually, as will be illustrated in more appropriate places, the Economic and Social Council, the Trusteeship Council, and the Secretariat are in large measure subject to the

¹ Copious examples of the exercise of these functions may be obtained from the *UN Yearbooks*, which annually summarize in detail the work of the preceding Assembly. The officially published *United Nations Bulletin* (cited here as *UN Bulletin*) presents one issue annually recording the last Assembly's activities; see, for example, those for Jan. 1, 1951, pp. 2-21, 75-78, and Mar. 1, 1952, pp. 219-227, 238-249.

budgetary and legislative control of the Assembly. They are not coordinate but subordinate.

➤ *Election of UN Officials.* The Assembly, by a two-thirds vote, chooses the nonpermanent members of the Security Council, the nonadministering members of the Trusteeship Council, and all eighteen members of the Economic and Social Council. Furthermore, upon recommendation of the Security Council, it chooses the Secretary-General. Acting jointly with the Security Council, it also elects the fifteen judges of the International Court of Justice.

➤ *Election of UN Member States.* Under Article 4,

. . . membership in the United Nations is open to all . . . peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Articles 5 and 6 provide for suspension and expulsion of members for violation of the Charter. All such actions—election, suspension, and expulsion—take place upon a vote of seven members in the Security Council, including all of the Big Five, plus a two-thirds vote in the Assembly.

The charter membership of the UN consisted of those states which had been participants in the San Francisco Conference of 1945 or for which special dispensation had been granted at the time. Thus the original membership consisted of fifty-one nations. With the admission of Indonesia late in 1950 the total had risen to sixty. Also in 1950 the Assembly attempted something in the nature of advance admission, when it provided that Libya should become a member upon attaining its independence, which it did in December 1951. In early 1952 the Assembly did vote to admit this new state, but a Soviet veto in the Security Council prevented further action. A similar fate befell the renewed proposal to admit Italy.

Numerous squabbles have arisen over proposed admissions. As will be seen in a later chapter, legal questions concerning admissions have been submitted to the International Court of Justice for advisory opinions. The Court opined that no qualifications for admission should be imposed beyond those stated in Article 4 of the Charter, and that cases should be considered on their individual merits. This was merely an opinion, however, and it has in effect been disregarded.

In the sixth (1951-1952) session of the Assembly the USSR proposed, as it had before, the blanket admission of fourteen states. Nine of them had previously been blackballed by one or more Soviet vetoes: Austria, Ceylon, Finland, Ireland, Italy, Jordan, Libya, Nepal, and Portugal. The other five—Albania, Bulgaria, Hungary, the Mongolian People's Republic, and Rumania

—had never managed to muster the necessary seven Council votes. Reasons given for the refusals had varied; rarely was direct reference made to the patent fact that one group adhered to the West and the other to the Kremlin. The United States has objected that Bulgaria, Hungary, and Rumania have violated the human-rights provisions of their peace treaties and therefore do not merit admission, and it has questioned whether the Mongolian Republic was actually a state. The Soviet Union has sometimes refused its consent for the stated reason that no diplomatic relations were maintained between the Union and the applicant. On one such occasion the French representative, alert to the real situation, pointedly remarked that the USSR had supported the application of the Mongolian People's Republic even though that state maintained diplomatic relations with only two UN members.² Whatever the real motivation behind the Soviet Union's 1951-1952 proposal, there appeared to be a golden opportunity to increase the size of the UN by fourteen members; but the United States led the opposition to this type of bloc admission, and the project fell through, much to the consternation of many governments besides that of the Soviet Union.

From 1945 to 1950 the question was persistently raised whether Spain, under the dictatorship of Francisco Franco, should be admitted to the UN. Opposition, based on Franco's antidemocratic principles and his wartime collaboration with the Axis, was widespread and effective. Resolutions adopted at both the UNCIO in San Francisco and the Potsdam Conference of 1945 indicated that any Spanish application for membership would be denied, and a General Assembly resolution of February 1946 was similar in effect. In December 1946 the Assembly returned to the problem, and by a further resolution it not only condemned Franco for the antidemocratic nature of his regime but also recommended that the UN specialized agencies bar Spain from membership and that "... all Members of the UN immediately recall from Madrid their ambassadors plenipotentiary accredited there."³

It was a simple enough task to deny UN membership to Spain. The specialized agencies cooperated loyally in refusing to deal with Franco, although sometimes at the cost of efficient operation: instances often arose in which technical or economic cooperation with Spain would have been at least as beneficial to other nations as to Spain. In the matter of withdrawal of ambassa-

² See 1946-47 UN Yearbook, p. 417.

³ The resolution was dated December 12, 1946; the text is in *Decade of American Foreign Policy*, pp. 888-889; also in *Int. Org.*, Feb. 1947, pp. 222-223. In June 1946, a subcommittee of the Security Council, having examined the Spanish situation, reported that although Franco did not constitute a threat to the peace within the meaning of Article 39, and the Council was thus precluded from taking action under Articles 40 and 42, his continuance in Spain did constitute a situation likely to endanger the maintenance of international peace and security within the meaning of Article 34. The subcommittee therefore recommended that the data be transmitted to the Assembly and that the Assembly recommend the immediate severance of diplomatic relations with Spain. Text in *World Report*, June 13, 1946, pp. 42-45. See also 1948-49 UN Yearbook, pp. 311-315.

dors from Madrid, however, there was only spotty compliance. Several states, especially those in Latin America which were culturally closely linked with Spain, consistently disregarded the recommendation; indeed, Argentina's Perón appeared to go out of his way to scorn the UN, by accrediting a new ambassador shortly after the Assembly had made its request to the contrary. Other nations, such as the United States, complied with the Assembly recommendation, but not always wholeheartedly. In early 1950 the Secretary of State gave public notice of American disapproval of this policy, although we continued to abide by it; he restated the idea that maintenance of an embassy in a foreign capital does not, under either American or general diplomatic practice, imply either approval or disapproval of the regime to which the ambassador is accredited.⁴

At the fifth session of the Assembly, in late 1950, the question of the continuance of the Franco ban arose once more. By no means unanimously, but nevertheless by the necessary majority,⁵ the Assembly rescinded those sections of the 1946 resolution by which it had recommended that Spain be barred from the specialized agencies and that ambassadors be withdrawn; it left intact that part of the resolution which condemned Franco and which in effect expressed the pious hope that his end was near.⁶ The United States supported this action, on the basis that, although Franco was not a better man or a better governor than he had been in 1946, he was securely in power and a continued boycott served no useful purpose. Shortly thereafter the President announced the appointment of a new American ambassador to Madrid. Conceivably the pariah status of Spain might have continued considerably longer had it not been for the feeling, especially prevalent in military circles, that in view of the danger of further Soviet aggression in Europe it would be advisable to be able to count on Spain's army, its ports, and its supply bases.

➤ *Financial Administration.* The Assembly has the all-important "power of the purse." It adopts the annual budget of the organization, and apportions the expenses among the member states. In years of rising prices and increasing activities the budget has also grown, but even at the 1952 stage of forty-eight million dollars it represented a very small drop in the large bucket of government spending. A comparison of this figure with the costs of military equipment serves to demonstrate once again that nations are not willing to rely on means other than force to maintain the peace.⁷

⁴ See Secretary Acheson's letter of January 18, 1950, to Senator Tom Connally, in *Decade of American Foreign Policy*, pp. 889-894.

⁵ The vote was thirty-eight to ten, with twelve abstentions.

⁶ See *UN Bulletin*, Nov. 15, 1950, pp. 542-546. Within a month after the passage of this resolution, the Food and Agriculture Organization admitted Spain to membership. Spain later joined the Universal Postal and International Telecommunication Unions and the International Civil Aviation, World Health, and World Meteorological Organizations.

⁷ The 1952 budget totaled \$48,096,780, but offset against this figure was income estimated at \$6,399,800, so that the net expenditure would be \$41,696,980. By way of comparison, it has been noted that a new B-52 jet bomber costs some \$21,345,000. Thus the

➤ *Budgetary Assessment.* A scale of contributions to defray UN expenses has been adopted (and several times revised) by the Assembly, so that each member's quota of any given budget will be a stated percentage of the whole. The largest quota is that of the United States, amounting to 36.9 percent of the total. Eight small states (such as Haiti, Iceland, and Liberia) are each assessed .04 percent.⁸ The assessments are arrived at by somewhat complicated computations based on such factors as national per-capita wealth, amount of war damages, and other items that presumably reflect ability to pay; since contributions are collected mainly in United States dollars, the matter of exchange difficulties is also taken into account. The United States has gone along with the scale only grudgingly; its position is that no one nation should be called upon to bear a share greater than one third of the total costs. But, although the Assembly in 1948 expressed agreement "in principle" with this attitude and has indeed lowered the American assessment somewhat, the goal of one third has not yet been reached.

The preceding paragraphs on expenditures and assessments have to do with the UN proper—that is to say, with its six main organs. As will be indicated later, there are also numerous specialized agencies which are brought into relationship with and more or less supervised by the Assembly, acting largely through the Economic and Social Council. Their budgets and scales of assessments are separate from and in addition to those of the UN. Although the Assembly has power to scrutinize the budgets of the specialized agencies, its actual control is exercised with great restraint.⁹

➤ *Charter Amendment.* The Charter's Chapter XVIII gives to the Assembly important functions in connection with amendments to the UN's basic constitutional document. Article 108 provides that changes in the Charter shall come into force after having been proposed by a two-thirds vote in the As-

UN's budget would buy only two of them. The major items of 1952 appropriations are printed in *UN Bulletin*, Mar. 1, 1952, p. 248. Outstanding expenses are the following:

New York headquarters	\$28,130,000
Geneva offices	4,840,820
Investigations and inquiries	2,350,000
Regional economic commissions (for Asia and Latin America)	1,708,500
Contractual printing	1,675,000
General Assembly, commissions and committees	1,648,000
Amortization, headquarters construction loan	1,000,000
Information centers	892,000
International Court of Justice	640,000

⁸ The 1948 scale of assessments will be found in L. M. Goodrich and E. Hambro, *Charter of the United Nations* (World Peace Foundation, Boston, rev. ed., 1949), p. 185. The 1952 scale is in *UN Bulletin*, Mar. 1, 1952, p. 248. As of 1952, the others of the Big Five were assessed as follows: China, 5.75 percent; France, 5.75 percent; USSR, 9.85 percent (plus .34 percent for the Byelorussian SSR and 1.30 percent for the Ukrainian SSR); and the United Kingdom, 10.56 percent. It has been estimated that approximately 40 percent of the world's income belongs to the United States; this would indicate that the 36.9 percent assessment was not far out of line.

⁹ See, for example, 1948-49 *UN Yearbook*, pp. 693-699.

sembly and ratified by two thirds of the UN members, including all of the Big Five, according to their domestic constitutional requirements. Article 109, which is the second part of Chapter XVIII, allows the calling of a conference for proposing Charter amendments; such a constitutional convention may be called by a vote of two thirds of the Assembly, plus a vote of any seven members of the Security Council. Amendments proposed by a two-thirds vote of the conference take effect upon ratification by two thirds of the UN members, including again all of the Big Five.

A further provision requires that if such a conference has not been held before the tenth annual session of the Assembly—that is, before 1955—the Assembly shall automatically consider the calling of the conference at that session, and affirmative action in this case shall be taken by a simple majority vote in the Assembly and approval by any seven members of the Council. This action, however, would suffice only to convene the constitutional convention; that body's action would require the aforementioned ratification by two thirds of the member states, including all the permanent members of the Council. Thus two things are apparent in regard to Charter revision: that the Assembly occupies an important position in the procedure, and that no amendments will be adopted which do not receive the approval of all of the Big Five. However, one familiar with the development of domestic constitutional law could have predicted, and events in the first few years of the organization would have borne him out, that extremely significant alterations of fundamental procedure can take place on the basis of usage, without any formal amendment.

ORGANIZATION AND PROCEDURE

➤ *Membership.* The General Assembly is by far the largest of the UN organs; it may include five delegates from each of the member states, and thus would total about 300 representatives, if each delegation were complete.¹⁰ A plenary session will attract in the neighborhood of 1000 official personages, including delegates, an equal number of alternates, and the considerable staffs of advisers and experts. In 1948 the General Assembly invited the Secretary-General of the Organization of American States to attend its sessions regularly as an observer, and in 1950 a similarly permanent invitation was extended to the Arab League to be represented by an observer.

➤ *Sessions.* The Charter anticipated one annual session of the Assembly, and this has been carried out, although, as will be noted below, the creation of

¹⁰ Because of the large number of councils and committees of the UN which are in more or less continuous session, and because the Security Council is so organized as to be able to meet on a few hours' notice and to stay in session virtually the year round, it is desirable if not essential that there be national "embassies to the UN"—that is, permanent bodies of representatives and their staffs. In late 1950, some fifty-three members maintained such permanent missions in New York; see *1950 UN Yearbook*, p. 870. An interesting description of the American UN mission is that by George Barrett, "Our Global Embassy on Park Avenue," *New York Times Magazine*, Nov. 27, 1949, pp. 14 ff.

the "Little Assembly" has had the effect of keeping work going twelve months a year. The annual sessions may be, and often have been, split into two parts, sometimes meeting in different places. For example, the first part of the first annual meeting was held in London in January and February of 1946, and the second part took place in New York City in September of the same year; likewise the third session's first part was held in Paris in September and December of 1948, and the second part in New York in April 1949. The rule in recent years has been for the session to commence in September and to continue for at least three months.

➤ *Special Sessions.* Furthermore, special sessions may be called by the Secretary-General on request of the Security Council or of a majority of the member nations. Both these procedures have already been brought into play. For example, in the spring of 1947 a special session was convoked at the request of the member nations following the initiative of the United Kingdom, and a year later another one was held at the request of the Security Council following the initiative of the United States.¹¹ Both sessions were called to deal with the perplexing problem of Palestine.

➤ *Languages.* Language differences are of course a barrier to international intercourse, whether in or out of the UN. The Assembly's rules of procedure designate English, French, Spanish, Chinese, and Russian as "official" languages, but only the first three of these as "working" languages, for all sessions of the Assembly and its various committees.¹² A speech made in any one of the working languages is interpreted into the other two, and verbatim records are kept in all three. A speech made in one of the other two official languages is interpreted into all three working languages. The rules permit a delegate to speak in any tongue he wishes, but if that happens to be a non-official one he must assume the responsibility of providing an interpretation into one of the working languages, on the basis of which the regular interpreters will cast the speech into the other two.

A time-honored practice of diplomatic conferences is that of "consecutive interpretation"; that is, a delegate makes a speech in one language, and then the whole is cast into a second language, and then possibly into a third. This is manifestly a most time-consuming procedure, but occasionally this disadvantage may prove a boon, in that delegates have the opportunity to reflect and maneuver while the interpreting is going on.¹³ The far more expeditious

¹¹ See Charter, Article 20; also 1947-48 *UN Yearbook*, p. 257.

¹² See Nos. 51-55 of the Rules of Procedure, 1948-49 *UN Yearbook*, p. 68. Spanish was added as a working language in 1948, over the protests of the Secretary-General and others, who disliked the prospect of a 50-percent increase in interpretation costs. However, the large bloc of Spanish-speaking members prevailed.

¹³ Consecutive interpretation can be the international equivalent of a Senate filibuster. Other means of obstruction not uncommonly used in the Assembly are (1) paragraph-by-paragraph votes on resolutions and (2) long speeches which are repeated both in committee and in plenary session. See Allan Hovey, Jr., "Obstructionism and the Rules of the General Assembly," *Int. Org.*, Aug. 1951, pp. 515-530.

"simultaneous interpretation" device is now more commonly used in the UN. Under this practice a delegate speaks in Spanish, for example; in separate soundproof booths sit interpreters who hear the speech through headphones connected with the public-address system in the Assembly chamber. The interpreters translate the speech, sentence by sentence, into French and English. They speak into microphones, from which the translations are fed to delegates' headphones through a device similar to a dial telephone; the listener throws a switch enabling him to receive the speech in the language that he understands most readily. Thus a thirty-minute speech lasts only thirty minutes, instead of sixty or ninety or more, depending upon the number of consecutive interpretations.

➤ *Officers of the Assembly.* A new Assembly President is elected at each session. He is assisted by seven Vice-Presidents, who take some administrative details off his shoulders, and whose positions serve the politically useful purpose of spreading around the honors of officeholding; each of the Big Five usually obtains a vice-presidency. Each Assembly constitutes a Credentials Committee, which examines the full powers or other official identification of delegates, in order to ascertain their qualification to represent their home governments. There is also a very important "General Committee," about which more will be said later.

➤ *The "Main Committees."* Six so-called "Main Committees" are created at each session to serve as agencies for investigation and advice, in much the same manner as do the standing committees of the United States Senate or House of Representatives. Each member state designates one delegate to each of the committees, which then proceed to elect their own chairmen, subcommittees, *rapporteurs*, and other necessary officials. Under the normal course of procedure in the Assembly, reports or proposals therein introduced are referred to the appropriate committee for study and report; the latter body is likely to function with great efficiency, because of its smaller size, its ability to work through still smaller subcommittees, its less formal procedure, and its specialized interests. Action in the Main Committees is taken by simple majority vote. The committees are often referred to by number as well as by name, and therefore the order in which they are here listed is of some consequence. A brief description of each committee follows:

1. *Political and Security Committee.* To this very important body are referred all matters dealing with UN membership, disarmament, and promotion of political cooperation, as well as general related problems of maintaining international peace and security.

2. *Economic and Financial Committee.* To this committee are referred matters of economic cooperation and attempts to raise the standard of living, stabilize prices, and promote full employment; it considers and makes recom-

mendations on the work of the Economic and Social Council and the specialized agencies.

3. *Social, Humanitarian and Cultural Committee.* Matters of human rights and freedoms, intellectual cooperation, and related affairs are within the province of this committee.

4. *Trusteeship Committee.* Just as the Second and Third Committees work closely with the Economic and Social Council, so the Fourth deals with matters of interest to the Trusteeship Council and the non-self-governing territories.

5. *Administrative and Budgetary Committee.* This committee scrutinizes the budgets of the UN and the specialized agencies, drafts suggested scales of contributions by member states, and has to do with the general administration of the Secretariat.

6. *Legal Committee.* To this agency go proposed amendments to the Charter, requests for advisory opinions from the International Court of Justice, suggestions for the codification of international law, and other legal problems.

It is to be noted that these Main Committees not only have the usual functions of standing committees of a parliamentary body but serve the purpose of allowing many states to have more direct contact with the Assembly-supervised Councils than they would otherwise have. The Councils' membership can necessarily be but a fraction of that of the whole UN, and consequently at any one time most states will have no direct voice in their administration; the members can, however, through these groups participate in some measure.

➤ *Special Committees.* The Assembly is free to set up *ad hoc* committees when it feels the need, and several have been established. Examples are the committee set up in 1946-1947 to choose a headquarters site and the committee that in 1946 arranged the details of transfer of League of Nations assets and functions to the UN. Since 1948 the burden of work on Committee One has been so great as to necessitate the creation of an "*ad hoc* Political Committee," which could divide the load with the regular one.

➤ *The General Committee.* At least as important as any single committee named above is the General Committee. It consists of the President, the seven Vice-Presidents, and the chairmen of the six Main Committees, and its functions relate largely to the preparation of agenda. It is the duty of the Secretary-General to do the preliminary work of preparing the agenda two or three months in advance of a session; the Assembly's Rules of Procedure¹⁴ lay down in some detail the items to be included: reports of the Secretary-General and of the various Councils and other agencies; items placed or left on the agenda by previous sessions; items the inclusion of which has been requested by individual powers; and so on. These items must all be submitted to the Assem-

¹⁴ These rules, as extensively revised in 1949, are reprinted in 1948-49 *UN Yearbook*, pp. 64-76.

bly, but it is the General Committee which arranges the order in which they will appear on the agenda. Since there are often as many as seventy-five items, several of which may each give rise to days or weeks of debate, the power to place a proposal high on the agenda is in essence the power to ensure its consideration.¹⁵

➤ *Voting.* Voting is always a major problem at an intergovernmental conference, and it is not surprising that it should be covered in the Charter by fairly detailed provisions. Article 18 carries the customary rule that each member state shall have one vote, and it adds that decisions on "important questions" shall be made by a two-thirds majority of those present and voting.¹⁶ An "important question" is defined as one that has to do with recommendations for preserving peace; election of members of the various Councils (Security, Economic and Social, and Trusteeship); admission, suspension, and expulsion of members; and trusteeship and budgetary matters. "Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting." Thus the veto bugaboo, with which the Security Council has been plagued, is not one of the worries of the Assembly. The Big Five veto applies only in the Council.

The two-thirds rule thus is general in the Assembly. Decisions are of course more difficult to arrive at than they would be under a simple majority rule, which is the usual rule in national legislatures. Approaching this problem from the international rather than the national direction, however, one finds that a two-thirds requirement is actually a progressive step toward majority rule, rather than a retrogressive step. In most international conferences for ages past, the rule of unanimity has prevailed. The League Covenant, for example, provided that except in some procedural matters all decisions of its Council and Assembly should be reached by unanimous vote. It is also to be kept in mind that in a large proportion of cases the decisions of the UN Assembly, by whatever majority they are taken, are decisions to recommend that specified

¹⁵ For the agenda of the third and fourth sessions, see 1948-49 *UN Yearbook*, pp. 21-31; for the text of the provisional agenda of the fifth (1950) session, which included seventy-three items, see *UN Bulletin*, Sept. 15, 1950, pp. 258-276.

¹⁶ The ultimate desirability of retaining the one-vote-per-state formula has been questioned by many, including John Foster Dulles in his *War or Peace* (Macmillan, 1950), pp. 191-194. Dulles argues that, although the concept of sovereign equality and long-continued practice sanction the present arrangement, it is unrealistic, in that the states are patently vastly unequal in their abilities to contribute to the maintenance of international peace and security. Therefore he proposes a weighted vote in the Assembly, but the questions remain unsolved of how the vote should be proportioned—to population, wealth, or area of a state—and how such proportional representation could be adopted under the Charter. An argument to the same general effect has been made by the President of the first session of the Assembly, Paul-Henri Spaak; see his speech "The Role of the General Assembly," printed in "Three Years of the UN," *Int. Concil.*, No. 445, Nov. 1948, p. 601. The whole speech (*ibid.*, pp. 591-615) is worth reading for several proposals therein made for improvement of the composition and procedure of the Assembly.

actions be taken by member governments, rather than definitive legislative commands, such as might emanate from a national parliament.

➤ *Unforeseen Assembly Difficulties.* The UN started out in early 1946 with great promise for the future. It was true that the wartime collaboration of the Big Five had been marred on occasion, especially by lack of wholehearted Russian cooperation; still, it had been powerful enough to win the war, and the framers of the Charter necessarily assumed that it would be equally active and successful in waging peace. As is evident in the veto provisions of Article 27, the Charter is founded on the presumption of the continuing ability of the Big Five to work together.

However, the frequent use of the veto by representatives of the Soviet Union soon led to much disappointment and to fear that the UN would not be able to do what it had set out to do. Another debilitating factor was that the Assembly was, under the Charter, not intended for continuous session and therefore was available only sporadically for peacemaking duties. If the veto were to check action unduly in the Council, some good might yet be salvaged if the item were taken off the Council's agenda and given to the Assembly for debate—but the Assembly would have to be in session and thus in a position to focus public opinion. In addition, the Assembly's program was already overcrowded, and some means of relieving the pressure on that body was sought.

➤ *The "Interim Committee."* Under such impetus, the United States in the fall of 1947 proposed the creation of an interim committee, which could carry on studies while the Assembly was in recess. When referred to the First Committee for study, the proposal occasioned hot debate, in which the representatives of the Soviet Union and its satellites protested vehemently against the suggestion. Their ostensible grounds were that such an interim body would unconstitutionally usurp the Council's functions; but the actual grounds seem to have been the fear that the Assembly, in which there is no Great Power veto, might really become the center ring of the circus, thus thwarting the will and delaying tactics of the Soviet bloc. At all events, the Assembly finally resolved in 1947 to create an "Interim Committee," which has come to be more familiarly known as the "Little Assembly."¹⁷

On the committee were devolved the following duties: (1) to consider and report on all matters referred to it by the General Assembly; (2) to consider and report to the Assembly its conclusions on disputes or situations arising under Articles 11, 14, or 35 which had been proposed for inclusion on the

¹⁷ The resolution was passed November 13, 1947, by a vote of forty-one to six, with six abstentions. The six opposing votes were cast by the USSR, the Ukrainian SSR, the Byelorussian SSR, Yugoslavia, Czechoslovakia, and Poland. The text of the resolution is in *Int. Org.*, Feb. 1948, pp. 193-195; see also 1947-48 *UN Yearbook*, pp. 74-81, and 1948-49 *UN Yearbook*, pp. 405-412. A good article is D. W. Coster, "The Interim Committee of the General Assembly: An Appraisal," *Int. Org.*, Aug. 1949, pp. 444-458.

Assembly's agenda; (3) to recommend to the Assembly conclusions to effectuate Articles 11(1) and 13(1a), which deal with general cooperation to maintain the peace; (4) to determine whether any matters under consideration were urgent enough to warrant the summoning of a special session of the parent body, and if so to notify the Secretary-General; (5) to conduct investigations and appoint commissions of inquiry within the scope of its duties, upon the vote of two thirds of the members; (6) to report to the next Assembly on the advisability of continuing the committee on a permanent basis.

It was stipulated that each member state should be entitled to appoint one delegate to the Interim Committee, that it should sit only when the full Assembly was not in session, that it should consider no matter under debate in the Council, and that in general the primary responsibility of the Council for the maintenance of peace was not to be disturbed. Thus was created a body that in effect permits the Assembly to sit the year round, just as does the Council. Whatever force there is behind mobilized public opinion can be expected to be exerted by the Little Assembly as it is by the parent body. Like the Committee of the Whole in the House of Representatives, the Little Assembly cannot take definite action in the name of the full Assembly, but its deliberations, investigations, and recommendations presumably will, like those of the Committee of the Whole, determine the action of the senior body. If a government orders its representative to take a given position in the Little Assembly, one may safely assume that it will order him to do likewise in the General Assembly.

The Interim Committee held its first meeting at Lake Success on January 5, 1948, and thereafter sat frequently. Although it had been established for only one year, its existence was prolonged and for a time it bade fair to become a permanent institution. The Soviet bloc consistently maintained its initial position concerning the Committee's unconstitutionality and refused to acknowledge its existence by sending delegates to its meetings. Then at the fifth (1950) session of the General Assembly it was arranged for the First (Political and Security) Committee to remain in continuous session even after the main body recessed; thus there was no interim, no use for the Interim Committee, and no Little Assembly meeting. In effect this device kept the Assembly, or a critically important part of it, on the job all the time, since the fifth Assembly session was not formally adjourned until the day before the start of the sixth. This was part of the process, to be noted again soon, of transferring functions of peace preservation from the veto-ridden Security Council to the General Assembly.

➤ *"Uniting for Peace."* The basic difficulties that led to the creation of the Interim Committee—East-West tensions and the paralysis of the Security Council demonstrated by the veto—were by no means removed by the creation of that body. They continued and if anything were intensified. Then in the summer of 1950 the invasion of the Republic of Korea by North Korean Com-

munists brought the festering boil to a head again. As will be detailed later, the Security Council was able to take action in June 1950 only because of the fortuitous coincidence that the Soviet Union was then engaged in a boycott of almost all UN organs, in protest over the UN's refusal to recognize the Mao Tse-tung Communist government of China in preference to that of Chiang Kai-shek. Since the Soviet representative was absent, he could not veto action, but this tactical blunder was corrected when, in August, the USSR's turn came to preside over the Security Council. The Russian representative returned and successfully prevented any further important action by the Council in the Korean embroglio.

It was apparent to all observers that the East-West split was so wide and so deep that the veto could be expected, for the foreseeable future, to prevent Security Council application of sanctions in cases of aggression involving major states. It was a foregone conclusion that all powers had learned the lesson taught by the Russian absence from the Council in June 1950, when action had been ordered against the North Koreans; never again would one of the Big Five absent itself when its veto could protect itself or a satellite. If, then, the East-West chasm and the veto could be expected to hamstring the Council, what alternative forms of action were available?

The answer was found in the "Uniting for Peace" resolution, sponsored at the fifth Assembly by the United States, the United Kingdom, France, and four smaller nations.¹⁸ This resolution was approved overwhelmingly in the First (Political and Security) Committee and then, on November 2, 1950, passed by the full Assembly by a vote of fifty-two to five, with two abstentions. It had several features; first, it provided that

... if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security.

The Assembly was authorized to meet on twenty-four hours' notice on request of any seven members of the Council or of a majority of UN members. Furthermore, the Assembly through this resolution asked its members to survey their

¹⁸ Secretary of State Acheson's proposals, and the reactions of other delegates, are found in *UN Bulletin*, Oct. 15, 1950, pp. 348-406; for further debate, see *ibid.*, Nov. 1, 1950, pp. 428-434. The text of the resolution as passed by the Assembly is printed in *ibid.*, Nov. 15, 1950, pp. 508-509; see also *1950 UN Yearbook*, pp. 181-195; *Int. Org.*, Nov. 1950, pp. 721-723; *ibid.*, Feb. 1951, pp. 68-72.

resources and determine what support they could render to any recommendations that might be made by Assembly or Council; the members were specifically requested to earmark some of their national armed forces for service with the UN.

Two bodies were created by this resolution. First, a Peace Observation Commission (POC) of fourteen named members was provided for the calendar years 1951 and 1952. The Assembly or Interim Committee by a two-thirds vote could send this Commission into any state (with the consent of that state) to "... observe and report on any situation . . . where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security." Secondly, the resolution established a Collective Measures Committee, also of fourteen members, but representing some states not represented in the POC, and charged it with the duty of studying and reporting to Assembly and Council by September 1, 1951, on the means that might be employed to maintain and strengthen international peace and security, "... taking account of collective self-defense and regional arrangements . . ." under Articles 51 and 52.

The two final recommendations were anything but novel. The first was a recommendation to the Council that it take the steps necessary to implement Articles 43, 45, 46, and 47 for the provision of an international military force (the Council had been attempting for five years, without success, to do so); the second asked the Big Five to meet and compose their differences.

➤ *Effect of the 1950 Change.* There were some with high hopes that this action would provide the complete answer to the veto; but there were also many others who saw no reason to expect that members would cooperate any more loyally with Assembly requests for sanctions than they had in the summer and fall of 1950 with similar requests by the Council. Soviet opposition to the change was the one certainty: the Eastern bloc denounced the resolution as an illegal amendment to the Charter and promised to have nothing to do with it.

In any event, it was apparent even in 1950 that major surgery upon the Charter had in effect been undertaken. As will be evident after the Security Council's powers and position have been considered, the 1950 Assembly action tended to make of the Assembly another Security Council. Under the Charter the Council is organized for virtually continuous session, it may declare a nation an aggressor, it may invoke sanctions against him, it has a military staff committee to serve as a sort of general staff for coordinating national military units in the fight against the aggressor, and it can call upon nations for military forces. These Charter provisions are essentially duplicated by the 1950 resolution as to the Assembly's status. The new Assembly differed from the Security Council chiefly in generality of membership and absence of the veto. This

change was brought about without formal amendment, just as in the United States legislative enactments are employed to interpret and elaborate the Constitution.¹⁹

ASSEMBLY ACTIVITIES

➤ *The Assembly in Action.* The preceding pages present a general summary of the skeleton organization and functions of the General Assembly. However, such a discussion is likely to be sterile and meaningless unless one obtains a fairly definite conception of what all the Charter provisions have meant in actual practice. Just as one cannot comprehend American government by a study of the Constitution alone, so a study of the Charter must be supplemented by examination of its operation. Several activities of the Assembly during its first few years of life will therefore be used as practical examples of the working of this body. The following discussion is not by any means to be understood as approaching a complete catalogue of Assembly operations; it is rather a summary of a few notable "test cases."²⁰

➤ *Korea.* We have already noted that problems arising from the settlement of World War II were not intended by the framers of the Charter to be the responsibility of the UN but that some such problems have nevertheless been passed on to it for solution, since the victorious powers found it impossible to reach agreement among themselves. The recent history of Korea is a case in point.

At the famous Potsdam meeting of Foreign Ministers and heads of state in mid-1945 it had been agreed that Korea should be divided at the 38th parallel, mainly for purposes of military occupation and demilitarization of Japanese installations there; troops of the USSR would occupy the northern sector and those of the United States the southern. This arrangement was continued by order of the Moscow meeting of Foreign Ministers, in December

¹⁹ See Leland M. Goodrich, "Development of the General Assembly," *Int. Concil.*, No. 471, May 1951, especially pp. 260-281.

²⁰ Anyone who has given even cursory examination to the official documentation of the Assembly and other UN organs realizes how voluminous it is. Fortunately, there are several easily accessible and reliable secondary sources to which the student is referred for further reading. The more important are the following: the *UN Yearbooks*, published by the Secretariat; the official *UN Bulletin*, published twice a month by the UN Department of Public Information; the extremely useful quarterly *International Organization*, published by the World Peace Foundation; the Foundation's annual publication *Documents on American Foreign Relations*; the Council on Foreign Relations' annual volume *United States in World Affairs*; the weekly *Department of State Bulletin*; the annual Department of State publications, since 1946, entitled *United States Participation in the United Nations*; *Report by the President to the Congress*, cited here as *President's Report on UN*. In addition, there is a gold-mine of basic documents bearing largely on the UN in the U.S. Senate Committee on Foreign Relations' *A Decade of American Foreign Policy, 1941-49* (GPO, 1950), 81st Congress, 1st Session, Sen. Doc. 123, which will be cited by title only; and no one should overlook L. M. Goodrich and E. Hambro's basic *Charter of the UN* (World Peace Foundation, Boston, rev. ed., 1949), which contains an excellent and extensive bibliography on pp. 659-681.

The hapless Koreans thus were divided between two governments, each of which claimed sole authority. In an attempt to terminate such an anomalous situation the Assembly in December 1948 passed a resolution approving the elections that had been held in southern Korea and stating that the government of the (southern) Republic of Korea was the only lawful one in that country. Furthermore it established the UN Commission on Korea (UNCOK) as a successor to the temporary commission. UNCOK was authorized to lend its good offices to the task of bringing about Korean unification, to try to remove the north-south barriers to such an accomplishment, and to observe the withdrawal of foreign military forces.²² With regard to the last point, troops of the United States were withdrawn by mid-1949; the Soviet Union reported the completion of its evacuation by December 25, 1948, but refused to permit UNCOK to verify the report.

By the early part of 1949, then, there were in southern Korea a government recognized by the UN and in northern Korea a Soviet satellite; the UN's Commission was on the ground attempting to bring about some manner of friendly and peaceful union. A great deal of antagonism was, however, in evidence between the two zones. The north was so tightly sealed off from the south as to remind one of the title of "Hermit Kingdom," which had once been applied to the whole country; there were frequent border clashes along the dividing parallel; there was a constant propaganda barrage in both directions; and the south was, under President Syngman Rhee, evidently going nearly as far to the right as the north was to the left. Rhee's authoritarianism was demonstrated by such facts as the following: in 1948 a National Security Act was passed, which virtually outlawed the Communist party and under which 118,000 largely political arrests were made in 1949 and another 32,000 in the first four months of 1950. Evidently anyone who criticized Rhee's regime was deemed a Communist. Many anti-government publications were suppressed, and both in 1950 and 1952 Rhee indicated his desire to suspend parliamentary government and rule by decree.²³

New elections for a National Assembly of the Republic of Korea took place in May 1950. UNCOK reported that they were conducted with reasonable honesty and that all parties participated except the Communists, who were outlawed. The new Assembly met on June 19, barely a week before the North Korean invasion. With the coming of this attack, initiative in UN action passed to the Security Council; but when the Council found itself hamstrung by Soviet vetoes, it became the Assembly's task, under the "Uniting for Peace" resolution, to declare Communist China (which had sent "volunteers" to fight for North Korea) an aggressor and to invoke an arms embargo against China and North

²² The resolution was dated December 12, 1948; text in *President's Report on UN, 1948*, pp. 186-189.

²³ See "Issues Before the Fifth General Assembly," *Int. Concil.*, No. 463, Sept. 1950, p. 349; 1950 *UN Yearbook*, pp. 254-255.

Korea. The remainder of the story will be told in the following chapter, on the Security Council.

Before we leave this subject, however, notice must be taken of two organizations established by the Assembly in late 1950. By one resolution that body reaffirmed its hope of Korean pacification and stability and created the UN Commission for the Unification and Rehabilitation of Korea (UNCURK), to replace UNCOK. Besides assuming UNCOK's functions, UNCURK was, under a second resolution, to be advisory on problems of Korean relief and reconstruction to the UN Korean Reconstruction Agency (UNKRA), which, under the supervision of an Agent General, was to be the Assembly's right arm in carrying out the duties implied by its title.²⁴ UNKRA was to be financed by voluntary contributions of member states.

➤ *Greece and the Balkans.* One of the legacies of World War II was the Iron Curtain that was gradually pushed westward from the Soviet Union; eventually it came to include states as far west as Czechoslovakia. We may presume that the Soviet government would have been delighted to extend it south to include Greece and Turkey, since shortly after the war there was considerable trouble in getting Soviet troops out of Iran, and since the Russian government made demands on Turkey for cession of border provinces and for a measure of control of the Dardanelles. There were also unmistakable indications of a desire to communize Greece. This was to be done by indirection, through Greece's northern neighbors.

Greece had suffered horribly from invasion and counterinvasion, starvation, inflation, and all the other ills of war. In 1945 the government was under extremely conservative domination, and it was violently opposed by domestic Communists and other leftists, who sponsored active anti-government guerrilla troops. Other countries' experiences have shown how very difficult it is to suppress determined guerrillas, and these fighters were especially effective in Greece by virtue of the combination of unsatisfactory government, great popular misery and discontent, and the mountainous terrain, which is ideally suited to guerrilla tactics. These factors alone would have made the civil war in Greece difficult for the government to handle. Difficulty became impossibility when the guerrillas found sanctuary in Albania, Bulgaria, and Yugoslavia; in these three states they could train without fear of attack and could obtain supplies, rest, and medical care, and to these states they could retreat after forays across the borders into Greece. All of the three states were then, and the first two still are, Soviet puppets, which would respond to Kremlin string pulling.

The Greek government frantically tried to control the situation, but with little success. Finally, in December 1946, it charged before the Security Council that the guerrillas were receiving outside support. The Council established

²⁴ Resolutions of October 7 and December 1, 1950; texts in *U.S. Policy in the Korean Conflict*, Dept. St. Publ. No. 4263 (GPO, 1951), pp. 17-18, 24-25.

a Commission of Investigation, which, after on-the-spot inquiries, reported in May 1947 that "... Yugoslavia, and to a lesser extent, Albania and Bulgaria, have supported the guerrilla warfare in Greece." The Commission reached this conclusion unanimously except for the Soviet and Polish representatives, who stoutly contended that the troubles of the Greek government were traceable solely to its "monarcho-fascist" nature, and that the UN had no business prying into the domestic concerns of Albania, Bulgaria, and Yugoslavia.

Two months of Council debate ensued. It became apparent that the body would not be able to take affirmative action, because the USSR intended to take under its protective veto-wing the satellite Balkan states which were harboring the Greek guerrillas. Finally, after four Russian vetoes of various proposed courses of action, the Council removed the matter from its agenda. This action was not subject to veto, since it was only procedural. Thus the road was cleared for whatever action the General Assembly might be able to take; under Article 12 it had been precluded from acting on any matter currently on the Council's agenda.²⁵

On September 17, 1947, the Balkan question was presented to the Assembly by representatives of the United States. The Assembly proceeded to create a UN Special Committee on the Balkans (UNSCOB), to be composed of representatives of eleven nations and to have the following functions: (1) to provide conciliation services to the Balkan states in any attempts they might make to establish normal diplomatic relations and to terminate the existing state of guerrilla warfare; (2) to recommend, if necessary, the convocation of a special Assembly session; and (3) although this was not directly stated in the resolution, to continue on-the-spot investigations and reports of unauthorized movements across the Greek frontier.²⁶

As was not unforeseen, the eleven members of UNSCOB turned out to be only nine, since the Polish and Russian governments refused to recognize the agency or to participate in its actions. It nevertheless established headquarters at Salonika and went about its business. Investigations on the Albanian, Yugoslav, or Bulgarian sides of the borders proved impossible, since those governments refused entry to UNSCOB, but the Greek government did cooperate, and personal observation of the frontiers was made from the Greek side. Evidence accumulated from inspection of the areas and from interrogation of eye-witnesses confirmed previous findings. Consequently UNSCOB reported three times in the summer and fall of 1948 that illegal aid was being given to the

²⁵ On UN action in the Balkans episode, see 1947-48 *UN Yearbook*, pp. 63, 74-75, 298-301, 337-352; 1948-49 *UN Yearbook*, pp. 238-256; *The UN and the Problem of Greece*, Dept. St. Publ. No. 2909 (GPO, 1947).

²⁶ The text of the resolution, dated October 21, 1947, is in *Int. Org.*, Feb. 1948, pp. 195-196; together with several other relevant documents, it is available in *Decade of American Foreign Policy*, pp. 753-782; see also *Docs. Am. For. Rels.*, 1947, pp. 642-696, especially pp. 694-696.

guerrillas and that such activities constituted a threat to the "independence and territorial integrity of Greece, and to peace in the Balkans."²⁷

In September 1948 the Assembly met in Paris and considered the reports of UNSCOB. On proposal of the Australian delegation, personal conferences were arranged between representatives of the four Balkan states, on one hand, and the President of the Assembly, the Secretary-General, and the chairman and *rapporteur* of the Political and Security Committee, on the other. Such attempts at conciliation continued for months, but to no avail. The Assembly's action took the form of several resolutions, which noted that the anti-Greek activities were contrary to the spirit of the Charter; called upon the three misbehaving states to cease their support of the guerrillas; approved the work of the Special Committee, continued it in operation, and authorized it to consult when necessary with the Interim Committee; recommended re-establishment of diplomatic relations between Greece and each of the other states concerned; and again recommended the return to Greece of Greek children held as captives or hostages by the guerrillas in the northern states.²⁸ These and similar earlier resolutions were adopted by overwhelming votes, representing the unanimous opinion of the states in the Assembly except for the Soviet bloc: the USSR, the Ukrainian SSR, the Byelorussian SSR, Poland, Czechoslovakia, and Yugoslavia. Rarely did this bloc receive support from any other nation.

During 1949 and 1950 Balkan conditions improved considerably, although the Special Committee reported that Albania and Bulgaria were continuing their assistance to the guerrillas, that they had not yielded up the children held as hostages, and that Albania and Bulgaria were as uncooperative as ever in the matter of admission of UNSCOB representatives to their territories.

There were, however, other factors at work. One was the famous break, in 1948, between Stalin and Yugoslavia's Tito. In early 1949 UNSCOB found evidence that Yugoslav aid to the guerrillas had declined virtually to the vanishing point. In May 1950, Greece and Yugoslavia were so far reconciled as to re-establish diplomatic relations. Secondly, by 1949 the Greek government itself was much stronger and was able far more effectively to combat the revolutionists; thus in October 1949 the guerrilla leaders announced cessation of their military operations.

But Greece's troubles were not over. In late 1950 the Assembly still found that "... there ... remains a threat to the political independence and territorial integrity of Greece ..." and therefore asked UNSCOB to stay on the job for another year.²⁹ The Greek Red Cross had estimated that more than 28,000 Greek children were held as hostages by the states to the north. Of this

²⁷ *Docs. Am. For. Rels.*, 1948, pp. 634-638.

²⁸ The resolutions were dated November 27, 1948; text in *Docs. Am. For. Rels.*, 1948, pp. 638-640.

²⁹ Resolution dated December 1, 1950; text in *UN Bulletin*, Dec. 15, 1950, pp. 737-743.

number, the Yugoslav Red Cross late in 1950 sent back a first group of twenty-one Greek children and about 275 more followed in 1951.³⁰

Assuming that the problem is at least on the way to solution, we may well ask: who brought about this desirable situation? The UN supporter is tempted to give sole credit to the Assembly and UNSCOB. There can be no doubt that the Assembly's debates and resolutions materially assisted in focusing world opinion on the Communist-revolutionary activity in Greece, or that such publicity helped to restrain Greece's three northern neighbors. The careful and often heroic work of UNSCOB must surely be credited; several of its staff members have bullet wounds to prove that their observations were truly made on the spot.

In addition, however, one must recall other influential factors. Tito's falling out with Stalin almost forced him to demonstrate his independence of the desires of the Russian dictator; thus a refusal of further aid to the guerrillas became appropriate. Another factor was the "Truman Doctrine" of economic and military aid to Greece, which started in 1947. There can be no doubt that this program, later absorbed into the Marshall Plan, played an important part in strengthening the hand of the Greek government.

But questions of credit are not primary; the important thing is to avoid war. Here and in all similar cases it is to be recalled that the Assembly's action was necessarily limited to investigation, discussion, and recommendation. It acted its intended role in this episode and should be given a large share of credit for a substantial easing of a potentially explosive international issue.

The issue was eased, but not removed. In May 1951 Greece complained again of violations of the common frontier by the Bulgarian army, and UNSCOB investigation corroborated the charge.³¹ An odd wrinkle was added when, although Albania and Bulgaria continued their refusal to comply with UNSCOB requests, they submitted to it allegations of border violations by the Greeks. Later in the same year UNSCOB reported to the Assembly that the anti-Greek guerrillas were evidently being trained, equipped, and otherwise assisted not only by Albania and Bulgaria but also by Poland, Czechoslovakia, and Hungary.³²

Finally, in December 1951, the Assembly resolved to disband UNSCOB and to offer it sincere thanks for a difficult job well done. By this time the "Uniting for Peace" resolution was a matter of record, and therefore the Assembly provided for the establishment of a Balkan subcommission of the Peace Observation Commission, so that the functions of mediation and fact finding could continue, albeit through somewhat altered machinery.³³

➤ *Regulation of Armaments.* Article 11 of the Charter gives the Assem-

³⁰ *UN Bulletin*, Feb. 1, 1951, p. 142.

³¹ *Int. Org.*, Aug. 1951, p. 535.

³² *Ibid.*, Nov. 1951, pp. 724-725.

³³ *Ibid.*, Feb. 1952, pp. 62-63.

bly the power to consider "the principles governing disarmament and the regulation of armaments," and authorizes it to make recommendations to the Security Council or to member states concerning these matters. Here and elsewhere it is evident that responsibility for the potentially important matter of disarmament is shared by both Council and Assembly, but since 1945 the latter has taken the initiative, and its activities are therefore appropriately considered here. They fall into two major categories: the control of atomic weapons and the control of conventional weapons.

In August 1945 the atomic bomb was first employed in warfare. It contributed materially toward the final surrender of a nation already beaten to its knees but still capable of stubborn last-ditch resistance. But the bomb raised a host of problems. Should it have been used?³⁴ Would it be used again? Could this awesome new force be constructively employed?

It was clear to scientists and other informed persons, if not always to the general public, that whatever secrets the United States possessed with regard to the atomic bomb were those of engineering skill in bomb construction and detonation, and not of basic knowledge of nuclear fission. It was furthermore apparent that the secrets so jealously guarded by the United States would not remain secrets forever; guesses as to the time that would elapse before other countries caught up with us ranged from two to twenty years. The speculation did not endure long. Late in 1948 it was announced that the French had an atomic pile in operation and that the chairman of the French atomic-energy program was a Communist; in September 1949 President Truman solemnly informed the public that an atomic explosion had recently taken place in the Soviet Union. Clearly most of the secrets were out.

Some wishful thinkers held that atomic bombs would never again be used, because they were such horrible weapons. But wartime death from any weapon is horrible, and atomic bombs could be expected to be employed simply because they were extremely effective. When gunpowder was introduced into western Europe, predictions were made that war was now a thing of the past, since no nation would dare attack another that was supplied with rifles and gunpowder. Alfred Nobel, donor of the famous peace prizes, believed that his inventions of smokeless powder and dynamite would bring peace faster than all the formal peace societies.

There were Americans who adamantly refused, as of 1945-1946, to consider the possibility of our sharing our atomic knowledge with any international control body. On the other hand, the fact that basic information on nuclear fission, as well as supplies of primary ores, such as uranium, was so widely

³⁴ After the war's end, former Secretary of War Stimson published his reasons for recommending to President Truman the use of the bomb; his article appeared first in *Harpers Magazine*, Feb. 1947, was reprinted in *World Report*, Feb. 11, 1947, pp. 33-38, and is discussed at length in his autobiography: Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (Harper, 1947), pp. 612-655.

distributed around the world led others to the conclusion that only in international control could security be found for any nation. Former Secretary of War Stimson concluded his above-mentioned article on why the bomb was used with the following measured words:

Now, with the release of atomic energy, man's ability to destroy himself is very nearly complete. The bombs dropped on Hiroshima and Nagasaki ended a war. They also made it wholly clear that we must never have another war. . . . There is no other choice.

In October 1945 President Truman declared his advocacy of international control, and in the following month he, together with the Prime Ministers of Britain and Canada, asserted that administration of an atomic-energy program through the UN was the only proper method of handling the problem. In December 1945 the meeting of Foreign Ministers in Moscow decided to recommend the creation of a UN atomic-energy control agency. Finally, on January 24, 1946, the Assembly, at its first meeting in London, created an Atomic Energy Commission (AEC), composed of the members of the Security Council, plus Canada; inclusion of the latter was a tribute to its major share in the development of the atomic bomb. The AEC, although created by the Assembly, was made responsible to the Council.³⁵

While preliminary moves in the international field were being made, the United States was proceeding to define its own policy. Early in 1946 a Department of State committee of experts, headed by Dean Acheson (then Under Secretary of State) and David Lilienthal (then chairman of the Board of the Tennessee Valley Authority), announced a set of proposals which in essence were adopted by the Department of State as the American policy on the subject.

The Acheson-Lilienthal committee's proposals were based on a distinction between "safe" and "dangerous" work in and use of atomic energy. On the premise that uranium and thorium, the basic raw materials of atomic bombs, could be "denatured" in such a way as to destroy their explosive properties but allow them to be generally used for medical and other peacetime applications, the committee made two fundamental proposals. The first was that

³⁵ The literature on atomic-energy control is most voluminous, but a few outstanding sources may be listed here. Several of the basic documents, including most of those mentioned in these pages, will be found in *Decade of American Foreign Policy*, pp. 1076-1135; excellent summaries of UN actions appear in *United States in World Affairs, 1945-47*, pp. 36-40, 391-399, 408-417; *ibid.*, 1947-48, pp. 345-351; *ibid.*, 1948-49, pp. 410-413; *ibid.*, 1949, pp. 292-301. See also the following: Joseph and Stewart Alsop, "Your Flesh Should Creep," *Saturday Evening Post*, July 13, 1946, pp. 9 ff.; David Bradley, *No Place to Hide* (Little, Brown, 1948); Caryl P. Haskins, "Atomic Energy and American Foreign Policy," *Foreign Affairs*, July 1946, pp. 591-609; *Int. Concil.*, No. 416, Dec. 1945; *ibid.*, No. 423, Sept. 1946; *ibid.*, No. 430, Apr. 1947; Joseph M. Jones, "Can Atomic Energy Be Controlled?" *Harpers Magazine*, May 1946, pp. 425-431; Henry D. Smyth, *Atomic Energy for Military Purposes* (Princeton University Press, 1945); and Bernard Brodie, ed., *The Absolute Weapon* (Harcourt, Brace, 1946).

denatured uranium could safely be used widely for scientific purposes, since the process of reactivation of uranium was so difficult as virtually to preclude any danger of its use for bomb production. The second was that "dangerous" (i.e., military) use of uranium should be governed by an international commission, to which the United States might gradually surrender its technical knowledge.³⁶

Using these ideas as a foundation, the United States government presented to the first meeting of the UN Atomic Energy Commission, on June 14, 1946, a series of suggestions that has come to be known as the Baruch Plan, since Bernard M. Baruch was then the American representative on the AEC. Mr. Baruch's address to the Commission was impressive:

. . . my fellow citizens of the world: We are here to make a choice between the quick and the dead. That is our business. . . . Let us not deceive ourselves: we must elect world peace or world destruction. . . . The peoples of these democracies gathered here . . . are not afraid of an internationalism that protects; they are unwilling to be fobbed off by mouthings about narrow sovereignty, which is today's phrase for yesterday's isolation. The basis of a sound foreign policy, in this new age, for all the nations here gathered, is that: anything that happens, no matter where or how, which menaces the peace of the world, or the economic stability, concerns each and all of us. . . . We find ourselves here to test if man can produce, through his will and faith, the miracle of peace, just as he has, through science and skill, the miracle of the atom.³⁷

Mr. Baruch then proposed, on behalf of his government, the creation of an international Atomic Development Authority (ADA), to which would be confided ". . . managerial control or ownership of all atomic energy activities potentially dangerous to world security." The ADA would license and promote nonmilitary research in atomic energy and would furnish the researchers with the necessary denatured materials. Its control over "dangerous" research would be direct and exclusive, and this activity would not be concentrated in any one country. This proposal was designed to quiet the fear that if there were only one centralized research station the state in which it was located might illegally seize and monopolize it to the detriment of other nations.

³⁶ The text of the Acheson-Lilienthal report is in *U.S. News*, Apr. 5, 1946, pp. 67-72; see also the *New York Times*, Mar. 29, 1946, p. 8. It should be noted that the plans here discussed were for international control of atomic energy. The corresponding national problem of domestic arrangements for development and control of the atom was solved, after bitter debate, by the creation in 1946 of the United States Atomic Energy Commission. This group is not to be confused with the UN's Atomic Energy Commission. The text of the law creating the American commission is in *Docs. Am. For. Rels.*, 1945-46, pp. 431-453.

³⁷ The full text of this speech is in *Decade of American Foreign Policy*, pp. 1079-1087; also in *World Report*, June 27, 1946, pp. 37-40; excerpts are in *Docs. Am. For. Rels.*, 1945-46, pp. 557-559. Mr. Baruch's statement is reminiscent of one by Albert Einstein: "It is easier to denature plutonium than it is to denature the evil spirit of man." Incidentally, Mr. Einstein has referred to the ". . . basic principles of the Acheson-Lilienthal Report [as] scientifically sound and technically ingenious."

The ADA must have unlimited rights of inspection of all aspects of atomic production and use, and sanctions must be provided for use against any nation that did not live up to its obligations under the atomic-control treaty. Furthermore, said Baruch frankly: ". . . it might as well be admitted, here and now, that the subject goes straight to the veto power contained in the Charter of the UN. . . . There must be no veto to protect those who violate their solemn engagements not to . . . use atomic energy for destructive purposes."

If such a plan were adopted, the United States stood ready to turn over its atomic "know-how" to the ADA. It is to be stressed, however, that this relinquishment of the strong American position was to take place by gradual stages, as this country became satisfied that sufficient safeguards were erected and working against misuse of atomic energy. "Before any country is ready to relinquish any winning weapons," said Baruch, "it must have more than words to reassure it." Such a plan proposed an ultimate surrender of the most powerful weapon any state had ever had, but it was not to be delivered without *quid pro quo*; the United States was prepared to give up its weapon, but only after it was convinced that security for all would result. Its motivation was enlightened self-interest on a grand scale; for in Baruch's words ". . . we must embrace international cooperation or international disintegration."

A few days later the Russian delegate to the AEC, Andrei Gromyko, proposed a counterplan, which had obviously been prepared long before the American proposals were put before the Commission. The Soviet suggestion was that two treaties be negotiated: one providing for the destruction of all existing stocks of atomic bombs and the second forbidding their future manufacture and use. Furthermore, ". . . the unanimity of the members of the Security Council must not be undermined"; in other words, the USSR demanded retention of the veto.⁸⁸

In the years since 1946 a battle has raged over these two sets of proposals. The basic points of divergence of policy have been these: (1) The United States has uncompromisingly demanded the abolition of the veto on enforcement of atomic-control treaties; but this is unacceptable to the USSR. (2) The United States holds that the international control body should have unlimited powers of inspection, so that it can ferret out potential evasions or violations of control measures; the Soviet Union, evidently fearful that such inspectors would be capitalistic spies behind false whiskers, has at most conceded that some limited "periodic inspections," after prearrangement with the host government, would be acceptable. (3) The American government has been adamant

⁸⁸ For the text of the Gromyko proposals, see 1947-48 *UN Yearbook*, pp. 466-467; and *Docs. Am. For. Rels.*, 1945-46, pp. 560-562. A former United States deputy representative on the UNAEC from 1947 to 1950, Frederick Osborn, has written an article which is interesting in this connection: "The USSR and the Atom," *Int. Org.*, Aug. 1951, pp. 480-498. The article is an abridgment of a chapter by the same author in Raymond Dennett and Joseph E. Johnson, eds., *Negotiating with the Russians* (World Peace Foundation, Boston, 1951).

in its insistence upon retention of its existing bombs until an ADA could be created; the Kremlin has demanded immediate destruction of all existing stockpiles as a precondition to further negotiation. These positions are entirely comprehensible in the light of the fact that when they were first assumed one state had the bomb and the other did not. All members of the AEC have indicated general approval of the Baruch Plan, with the exception of the Soviet Union and whichever of its satellites happened at the moment to be represented there. In May 1948, after nearly two years of debate, the Commission voted to suspend operations as futile; but the Assembly refused to concede defeat publicly and asked the AEC to continue to try to reach common ground.³⁹ In June 1948 the Security Council would have passed a resolution favoring the AEC control plan (which is simply the Baruch Plan, adopted by AEC vote with Russia abstaining), had it not been for a Soviet veto. The upshot of years of effort has been complete deadlock.

It appears that the Acheson-Lilienthal-Baruch-AEC plan is dead, barring a sudden and unexpected reversal of the Soviet position. It has been widely suspected that Moscow kept the plan alive for possible consideration pending its own development of an atomic bomb, and that since that achievement there is no reason whatever to anticipate Soviet cooperation in any international control measures. Even should the Kremlin suddenly accede to the American proposals, it is questionable whether the Senate would now approve a treaty based on the Baruch Plan, so prevalent has the suspicion of the motives and trustworthiness of the Russian government come to be. Indeed, no one can state with assurance that the Senate would have approved such a treaty in 1946. With this observation we shall turn our attention to control of conventional weapons.

Whether disarmament is currently feasible or not, popular yearning for it has been reflected in several Assembly and Council actions. In December 1946 the Assembly resolved that early regulation and reduction of armed forces was necessary, and recommended that the Council give prompt consideration to a formulation of the measures that should be taken to achieve that end.⁴⁰ Two months later the Council established the Commission for Conventional Armaments (CCA), consisting of representatives of the members of the Council, and charged it with the responsibility of preparing proposals for the general regulation and reduction of armaments. The Commission's title included the word "conventional" because the Council denied it authority over any matters

³⁹ Pertinent extracts from the May 1948 report of the AEC to the Council are printed in the 1947-48 *UN Yearbook*, especially p. 471. In November 1949 the Assembly requested the permanent members of the AEC to continue consultations in the hope of reaching an agreement. See *Docs. Am. For. Rels.*, 1949, p. 358.

⁴⁰ This resolution and other documents on disarmament will be found in *Decade of American Foreign Policy*, pp. 1136-1143. See also *Docs. Am. For. Rels.*, 1945-1946, pp. 530-544; *ibid.*, 1947, pp. 333-370; *ibid.*, 1948, pp. 324-345; *ibid.*, 1949, pp. 339-347; *ibid.*, 1950, pp. 196-202.

dealt with by the Atomic Energy Commission; thus the CCA was to concern itself only with the traditional weapons.

Secretary of State Marshall, in a speech to the Assembly in September 1947, stated the view of his government to be that "... a workable system for the regulation of armaments cannot be put into operation until conditions of international confidence prevail." This was simply frank recognition of an obvious fact. The CCA itself took a realistic, if pessimistic, view of its potentialities when, in 1948, in language similar to Marshall's, it stated officially that "a system of regulation and reduction of armaments can only be put into effect in an atmosphere of international confidence and security." Clearly, real disarmament was not to be expected in the immediate future.

A new approach seemed appropriate. Thus in 1951 the United States, Britain, and France proposed to the General Assembly that the AEC and the CCA be fused into a new commission, to function, as did these two, under the Security Council. A considerable amount of study was devoted to this proposal, and ultimately, in 1952, the Assembly (1) resolved to terminate the life of AEC; (2) recommended that the Council do likewise to CCA, a step which it shortly took; and (3) created a new Disarmament Commission, as a successor to the two just disposed of.

The Disarmament Commission, as set up by this resolution, was composed of twelve members—the Security Council members plus Canada, or the same membership as the old AEC had had. The duty of the new commission was stated to be fundamentally that of drafting treaties for the limitation and ultimate reduction of all armed forces, atomic and traditional. It should plan for some type of international control organ, and when the treaties were ready for detailed scrutiny it should call an international conference to act on them.⁴¹

The terms of reference of the Commission demanded the pursuit of the following principles: (1) "... there must be progressive disclosure and verification on a continuing basis of all armed forces ... and all armaments including atomic"; (2) there must be continuing international inspection; (3) the UN atomic-energy control plan (i.e., essentially the Baruch proposals) should be used as a basis for deliberation unless one that was clearly better could be devised; (4) there must be provision for detection of violations of any control plan; and (5) the treaties must be open for ratification or adherence by all states.

To the new Disarmament Commission both the United States and the Soviet Union have made suggestions. As far as atomic arms are concerned, the American position is much the same as it has been since 1946, except that we are now in agreement with the Russians that both atomic and conventional

⁴¹ Resolution A/L.25, Jan. 11, 1952; see UN Department of Public Information, Press Release GA/855, *Roundup of the Sixth Regular Session of the General Assembly* (mimeographed, UN, Paris, 1952), Part II, pp. 1-4.

weapons must be considered jointly, as aspects of the same problem. Just before the opening of the sixth General Assembly, in 1951, President Truman affirmed again the American desire for true disarmament, and Secretary of State Acheson followed up the same line in the Assembly itself. The reaction of the Soviet delegate, Mr. Vyshinsky, was that the American proposals were so ludicrous that "... I could hardly sleep all night last night ... because I kept laughing."⁴² The press and public reaction was bitter, for from the point of view of the non-Soviet world there was nothing humorous about the current armaments race. The Assembly showed no interest in Mr. Vyshinsky's counter-proposal that the UN declare NATO illegal and that it call a new world conference for reduction of all armaments and prohibition of atomic bombs.

The Soviet Union appears to have mellowed somewhat on the proposal for international inspection to preclude arms violations, but it has been so vague on details as to arouse Western skepticism over whether it really meant what it said. Russia still refuses to have atomic-energy production confided to the management of an international body, as proposed by the United States and endorsed by the Assembly, and it holds to its original pro-veto stand. However, in spite of its initial opposition, it has announced willingness to participate in the work of the Disarmament Commission, which may be a step forward.

The Kremlin continues to insist on outright abolition of existing stocks of atomic bombs and agreement to prohibit their future manufacture, and, before the Disarmament Commission as before earlier bodies, on a one-third reduction in all types of arms. These demands the West has refused, because (1) the Russian armies were maintained at a high quantitative level after 1945 while Western armies declined greatly; (2) a reduction in implements of war would not affect Russia's prime military strength—manpower—and would leave the West at a comparative disadvantage; (3) there is no assurance that the Russian word would be kept; and (4) such arms reduction would presumably have no effect on a major source of Communist strength, namely, espionage and subversion. Although these arguments are persuasive to the Western peoples, the USSR has continued to make effective propaganda based on "Anglo-American atomic-bombolatry" and on the theme that the "fascist-capitalists" refuse disarmament because they are plotting a new world war.

In April 1952 the United States proposed to the Disarmament Commission a detailed scheme very similar to one that it had earlier presented to the Assembly in conjunction with the English and French. It suggested a stage-by-stage limitation and reduction, starting with a census of all types of arms and working up to a disclosure of atomic stockpiles.⁴³ Manifestly, even if the plan were adopted, years would be consumed in carrying it out. One returns, there-

⁴² *New York Times*, Nov. 11, 1951, p. E1.

⁴³ *New York Times*, Apr. 6, 1952, pp. 1, 44, 45; *ibid.*, June 1, 1952, p. 2E.

fore, to the statement previously made: the prospects of disarmament are extremely poor under present conditions of tension, and one cannot realistically hope to see any appreciable reduction, or even limitation, of arms as long as the major powers are locked in the Cold War.

➤ *Palestine.* Another political matter that has engaged the attention of the Assembly is the problem of Palestine, and this has doubtless been the knottiest of them all. Literally for years, in regular and in special session, in Council and in Assembly, the UN has attempted to reconcile the welter of conflicting interests focused on Jerusalem and to devise some scheme of government for Palestine that could be accepted by the interested parties. The entire story is far too long to be recounted here.⁴⁴

The UN's conciliatory attempts were decisively defeated by the establishment of the state of Israel in 1948 and by the resulting *de facto* partitioning of Palestine between Israel and the Hashemite Kingdom of Jordan. As will be observed in a later chapter, the Assembly in 1950 gave the Trusteeship Council the duty of working out a plan for the internationalization of the triply holy city of Jerusalem, but this task could not be, and was not, carried out. Even before the Council had started work it was in effect notified both by Jordan and Israel that they would not accept the results of its labors. No permanent *de jure* solution for the Palestinian problem has been reached. On the other hand, the UN has materially contributed to settlement of the Israeli-Arab war through the efforts of the Assembly-appointed mediator Count Folke Bernadotte and Dr. Ralph Bunche, who served as acting mediator after his chief had been assassinated by terrorists. One must not forget that no piece of international machinery such as the UN will operate unless the motive power is provided by individual states—or that the government of our own United States confused the Israel issue on numerous occasions by basic reversals of its own policy.

➤ *Nonpolitical Functions.* Numerous nonpolitical matters absorb the attention of the Assembly. Many of them have already been mentioned earlier in the chapter: for example, adopting the UN budget, electing members of the various Councils, and giving general supervision to the work of the Secretariat.

Still other Assembly functions will enter the picture in later chapters. It will become apparent, for example, when we consider the Security and Economic and Social Councils, that the Assembly's interest in their operation is great. ECOSOC is in general supervised by the Assembly; most of ECOSOC's work will culminate in treaties, conventions, and resolutions proposed to the

⁴⁴ Good summaries will be found in the issues of *Int. Org.*; *Decade of American Foreign Policy*, pp. 810-860, carries many useful documents; and a fair amount of detail is available in 1947-48 *UN Yearbook*, pp. 227-281, 304-313, 403-450, and in 1948-49 *UN Yearbook*, pp. 166-212. Two good textual summaries are L. L. Leonard, "The UN and Palestine," *Int. Concil.*, No. 454, Oct. 1949, and Paul Mohn, "Jerusalem and the UN," *Int. Concil.*, No. 464, Oct. 1950.

Assembly for approval. Thence they will go to the member states for ratification. The Trusteeship Council also is supervised by the Assembly, and many of its important actions must be ratified by the latter. Judges of the International Court of Justice are elected by a process in which the Assembly has a share, and a material contribution to the long-range smooth functioning of the Court may ultimately be expected as a result of the labors of the Assembly-created International Law Commission. The Secretariat as well, with its problems, is under the general control of the Assembly.

All of these affairs, then, belong in some measure to the present chapter. In order to avoid duplication, however, they will be considered in connection with the organs to which they relate.

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THE SECURITY COUNCIL

ALTHOUGH THE GENERAL ASSEMBLY may properly be referred to as the "town meeting of the world" in a sense implying wide and free discussion, the aptness of the title disappears when one begins to think in terms of action rather than deliberation. The true town meeting not only debates but also adopts laws, votes taxes, and performs other functions which are backed up by the whole force of the government; but the Assembly stops short of such activities. As was pointed out in the preceding chapter, the Assembly may take real action in such procedural matters as adopting the UN budget and electing various of the organization's officers; but when it comes to the prime mission of the UN, namely, the maintenance of international security, the intent of the Charter is that the Assembly must yield primacy to the Security Council.

PURPOSES AND FUNCTIONS

➤ *The Council's Primacy.* The leading position of the Council is clearly recognized in Articles 24 and 25 of the Charter, in which the UN members

... confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Articles 48 and 49 likewise recognize the Council's leadership in these matters. It is one of the more interesting discrepancies of the Charter that, despite the preferred position specifically conferred upon the Council, Article 2(1) makes the flat statement that "The Organization is based on the principle of the sovereign equality of all its Members." It is impossible to reconcile the powerful position of the Council with the concept of sovereign equality of all states, especially of those not represented on the Council, and these are of course bound to be in the great majority.

➤ *Preservation of Peace.* If we are to understand fully the Council's responsibility for preserving the peace, we must become familiar at the outset

with the differentiation of functions provided in Chapters VI and VII of the Charter.

Chapter VI is entitled "Pacific Settlement of Disputes"; Chapter VII, "Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression." Thus far the distinction between the chapters is not apparent. Actually there is a vast difference. In general it may be said that actions taken under Chapter VI involve relatively minor conflicts between major powers or more important conflicts between less important powers, whereas actions taken under Chapter VII involve major threats to the peace or actual breaches thereof which, if not settled, might give rise to World War III.

A further distinction is that parties to a dispute being examined under Chapter VI cannot vote and therefore cannot veto, whereas this limitation does not apply to Chapter VII. But far more important is the distinction based on powers of enforcement. Under Chapter VI, action by the Council is similar to action by the Assembly, in that it is restricted to recommendations and promotion of pacific settlement by any one of a variety of means, whereas under Chapter VII there is the possibility of enforcement by economic and military sanctions. Enforcement in the first case is by persuasion; in the second it is by the mailed fist.

Chapter VI, which includes Articles 33 to 38, sets forth a number of procedures that may be followed in the peaceful settlement of disputes. There is a graduated progression of peacemaking measures, as follows: (1) The parties to a dispute that may endanger international peace bind themselves to seek a solution by diplomatic negotiation, mediation, arbitration, judicial settlement, use of regional agencies, or any other mutually acceptable means. It is presumed that one or more of these techniques will have been employed before the antagonists resort to the Council, although the Council is empowered to "call upon" (i.e., suggest to) the parties to use any of these means. (2) The Council has jurisdiction to investigate any dispute or situation that might give rise to a dispute, in order to determine the extent of the threat it may pose to international peace.¹ This investigation is not to determine or pass judgment upon the merits of the dispute but simply to ascertain whether there is an actual or potential international danger. The Council's investigation may be made on its own motion; at the request of any UN member, whether a party to the dispute or not; or, under Article 99, at the suggestion of the Secretary-General.

¹ Much breath and ink have been expended in attempting to elucidate the difference between a "dispute" and a "situation" as the terms are used in Chapter VI. Practice has not been clear or uniform, but the following distinctions may be drawn: (1) A "situation" is a conflict of national wills which has not yet developed to the point at which claims or counter-claims such as might be presented to a court of law have arisen; when that point is reached a "dispute" exists. See L. M. Goodrich and E. Hambro, *Charter of the United Nations* (World Peace Foundation, Boston, rev. ed., 1949), pp. 248-252. (2) Under Article 27(3) a party to a dispute considered by the Council under Chapter VI must refrain from voting, but this is not true in a "situation."

A nation that is not a member of the UN is entitled to raise the question in a dispute in which it is involved, if it accepts the obligations of pacific settlement imposed by the Charter on member states. (3) The next possible step is for the Council to suggest appropriate methods of settlement. Again, the Council suggests not the terms of settlement but only the methods by which the parties may themselves arrive at those terms. The Council thus recommends, but its action is not legally binding, whatever moral force it may have. In this same connection it is provided that the Council may recommend the submission of legal disputes to the International Court of Justice; this too is a matter of suggesting means to a solution, rather than the solution itself. (4) If the dispute is not resolved by the application of the preceding steps, then the obligation is laid upon the antagonists by Article 37 to refer the problem to the Council; either or both of them may so refer it, according to interpretations placed on this article in committee discussion at San Francisco. At this stage the Council may actually recommend terms (as contrasted with methods) of settlement, and by Article 38 the Council may, on request of all disputants, make further recommendations "with a view to a pacific settlement of the dispute."

Thus Chapter VI assumes that the parties to a quarrel will settle it themselves by one or more of the established means of international adjustment, and that failing such settlement the Council may gradually come into the picture, although with no ultimate power greater than that of recommendation.

But what if the Council sees fit to make no recommendations, or what if they are made and ignored? In the first case, either the matter will be dropped altogether or it will be transferred to the Assembly agenda for that body's consideration and recommendation.² In the second, the answer may be found in Chapter VII, for there provision is made for the strongest possible action by the Council. In many respects this chapter is the heart of the whole Charter. Under this chapter, if a serious threat to or actual breach of the peace has developed, the Council may declare one or more states to be guilty of aggression and to be subject to restraint. Article 39 is basic: "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

Here three main facts are to be noted: first, the Council may decide to take action under the sanctions articles (Nos. 41 and 42) rather than merely to make recommendations; secondly, action here is clearly subject to Great Power veto; and thirdly, no definition is given of "aggression." The attempt to

² In the case of Greece and the Balkans, discussed in the preceding chapter, the Council found itself unable, because of a Soviet veto, to take positive action. The veto was also applied to a motion that the case be referred to the Assembly. Thereupon a procedural (and therefore nonvetoable) motion was adopted to drop the question from the Council's agenda. Then the representative of the United States brought up the matter in the Assembly.

define aggression has caused no end of trouble for years past. For example, does aggression commence with massing troops on a state's borders, or taking the decision to mobilize, or actually moving troops across a frontier, or waging psychological warfare without troop movement?³ The definition accepted may determine whether action can be taken, whether it can be taken in time to be effective, and what type of action should be taken. At San Francisco an attempt was made by some delegates to include in the Charter a precise definition, but the proposal was rejected on the ground that any such statement might be unduly restrictive, since it might fail to foresee and provide for cases that might arise in the future. Consequently it was decided that the Council should have discretion to define the term in such cases as might occur.

In Chapter VII as in Chapter VI, there is evident reluctance to proceed to enforcement action at the outset of a dispute. Under Article 39 the Council may make recommendations first rather than issue orders; under Article 40 it may call upon the disputants to take measures that may prevent aggravation of the trouble. Although not enumerated, these measures would conceivably include withdrawal of armed forces, termination of retaliatory actions, or other steps that would prevent the dispute from blossoming into all-out war at once. Even here, however, the Council advises rather than orders.

But if all or most of these actions have been taken and have proved ineffective, the Council may proceed, under Articles 41 and 42, to the application of sanctions. The above-mentioned reluctance appears here again, in that the UN members may, first of all, be called upon to sever diplomatic relations and to interrupt their normal communications and economic intercourse. But if these moderate measures have been tried and found wanting, or if advance evidence shows that they alone will be insufficient, then the Council may proceed to the use of the final arbiter of international relations: the use of force, or military sanctions. Enforcement of military sanctions would be effected through the Council's Military Staff Committee, which will be described later. Blockades or shows of force may be used, or actual warfare may be used immediately. If these measures fail, the UN has been clearly and decisively defeated.

➤ *Elections to UN Membership.* Another function of the Council is to share in the election of new members of the UN. The Council "recommends" to the Assembly that a state be admitted. Certain legal questions have arisen in this connection, which we shall consider in our chapter on the International Court of Justice; here we shall observe only that the Council's "recommendation" in membership cases calls for unanimity of the Big Five.

➤ *Miscellaneous Council Functions.* Other functions fall to the Council, but, since they are shared with the Assembly and have already been discussed

³ See Clyde Eagleton, "The Attempt to Define Aggression," in *Int. Concil.*, No. 264. Nov. 1930.

in the preceding chapter, only a reminder of them will be entered here. Both bodies participate in choosing judges of the International Court of Justice, in selecting a Secretary-General, and in amending the Charter. It is noteworthy that the Council deals with political affairs; social, financial, and welfare matters fall to the Assembly, acting either directly or through the Trusteeship Council or the Economic and Social Council.

ORGANIZATION

➤ *Membership.* The Security Council is an elite group. It is composed of the Big Five—the United States, the United Kingdom, France, China, and the Soviet Union—and of six states elected for two-year terms by two-thirds vote of the Assembly and not eligible for immediate re-election. Each member sends one representative to Council sessions. At the beginning three non-permanent members were chosen for one year and three others for two; after that the general two-year regulation was applied, so that now three seats are vacated and refilled each year. Under Article 23 the nonpermanent members are selected on the grounds of their contributions to international security, and in such a manner as to afford equitable geographical apportionment. There is no legal recourse if the Assembly should ignore these criteria, but the realities of international politics may be presumed to ensure that the world's various regions will be fairly well represented.

➤ *Procedure.* The Council elects its own officers, adopts its own rules of procedure, and is authorized to establish whatever subordinate agencies it finds necessary to the conduct of its business.⁴ Whereas the Assembly was designed to meet only once a year, Article 28 stipulated that the Council "... shall be so organized as to be able to function continuously. Each member ... shall for this purpose be represented at all times at the seat of the Organization."⁵ The Council held its five-hundredth meeting in September 1950. Since it may be called upon to act rapidly in the face of an unfolding threat to the peace, it is important that representatives of its members be available for a meeting on extremely short notice. After the start of the North Korean invasion the Council met in a matter of a few hours, on June 25, 1950, to undertake the necessary countermeasures.

➤ *Position of the Big Five.* The Big Five were chosen on the obvious grounds that they had borne the brunt of World War II and that they could

⁴ The Council presidency is held on a rotating basis for a calendar month at a time by the various representatives in the English alphabetical order of the names of their countries. The Rules of Procedure of 1946 are reprinted in *1946-47 UN Yearbook*, pp. 455-465. For a general summary of the Council's organization and work, see *1948-49 UN Yearbook*, pp. 76-88.

⁵ Secretary-General Lie's twenty-year program for peace through the UN suggested that Article 28(2) be implemented so as to require periodic attendance at Council meetings of heads of state, Foreign Ministers, or other personages somewhat more exalted than the regular delegates. See *Int. Org.*, Aug. 1950, pp. 547-550.

be expected to shoulder a similar burden in maintaining the peace. The framers of the Charter reasoned that power and responsibility should be united. Few would dispute this general concept, but there has been general questioning of the selection of two of the Big Five. None deny the primacy of power of the United States, the United Kingdom, and the Soviet Union, but many look askance at the inclusion in this select company of France and China. The reasons for the choice of France are partly historical, in that France has been and can be expected again to become a truly Great Power in material as well as cultural senses; and they are partly politico-geographical, in that otherwise no state of the European continent between Britain and Russia would be permanently represented on the Council. The inclusion of China among the Big Five must be explained partly on politico-geographical grounds, partly by China's valiant fight for many years against Japanese aggression, and partly by the country's tremendous potentialities of manpower and natural resources. Germany and Japan, and possibly Italy, may aspire to resume major status, but as defeated Axis powers they could expect no consideration from the San Francisco Conference.

Some of the "middle powers," such as Canada and Australia, maintain that their contributions to the war or to the ensuing peace warrant a more eminent place than that allotted them. Some have suggested that the League of Nations Council's provision for "semi-permanent" (i.e., re-eligible) members should have been continued. There arises also the query whether even the present Big Five will always be such, the instabilities of the world order being what they are, or whether they will be eclipsed by powers which at present are secondary. That this is conceivable one dare not deny; but the fact is that the names of the present Big Five are frozen into the Charter, and that these nations can therefore be removed from their lordly position only by amendment to that document, which would be subject to their veto.

➤ *Voting and the Veto.* Few provisions of the Charter have given rise to so much heated debate as has Article 27, which provides that each member of the Council shall have one vote, that on "procedural matters" the motion may be carried by a vote of any seven of the eleven members, and that "on all other matters" the seven-member majority must include all of the Big Five, with the exceptions that (1) a party to a dispute being considered under Chapter VI shall abstain from voting and (2) there shall be a similar abstention from voting during pacific settlement of disputes by regional agencies acting under Article 52(3). As was observed earlier, this article stemmed basically from the Yalta Conference of February 1945. It was there proposed by the United States, and no essential change in the formula was introduced at San Francisco. The word "veto" nowhere appears, but its substance is found in the requirement that on all votes which are other than procedural no motion shall be passed without the concurrence of the five permanent members; in other words, if

one of them votes against a nonprocedural motion, that motion is vetoed. The votes may be ten for and one against, but the motion is lost.

The veto may be justified pragmatically on the grounds of international politics as played under the rules of state sovereignty: rightly or wrongly, a state is not bound to do anything to which it objects. However, sauce for the goose is not necessarily sauce for the gander. Under Article 27, a major power can stop what it conceives to be undesirable action, but it is necessary for five smaller powers to band together in their votes if they wish to achieve a similar end. Although lip service was paid to their "sovereign equality" in Article 2(1), they agree in Article 24 that the Security Council in carrying out its duties of maintenance of peace and security acts on their behalf, and in Articles 48 and 49 that they will assist as need demands in the execution of sanctions ordered by the Council. The existence of this "double standard" has not been overlooked in the bitter comments of some of the smaller powers.

Beyond this, the veto was written into the Charter as a means of wooing the Big Five into joining the UN, since it was virtually certain that not a single one of these nations would have joined if its position had not been protected by the veto. Certainly the delegates of the United States at San Francisco were not prepared to wager anything on the chances of obtaining Senate consent to the Charter if it did not contain something in the nature of the veto.⁶

Recognizing that they would doubtless be expected to provide most of the enforcement action against any aggressor, the Big Five publicly stated at San Francisco:

In view of the primary responsibilities of the permanent members, they could not be expected, in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they had not concurred. Therefore, if a majority voting in the Security Council is to be made possible, the only practicable method is to provide, in respect of non-procedural decisions, for unanimity of the permanent members plus the concurring votes of at least two of the non-permanent members.⁷

Stripped of the niceties and circumlocutions of diplomatic language, this statement meant simply that the major powers demanded and intended to obtain the important power that we call the veto.

As far back as the San Francisco Conference the question was raised: what is a procedural matter within the meaning of Article 27(2)? On the answer to this question hang decisions of great moment. Some parts of the answer are unequivocal. For example, Articles 28 to 32 are expressly denominated "Procedure," and decisions under them can indubitably be taken by a majority of

⁶ See Estes Kefauver and Jack Levin, *A Twentieth-Century Congress* (Duell, Sloane, and Pearce, 1947), Chapter 7. See also "The Veto Power—Pro and Con," in *World Report*, July 4, 1946, pp. 26-27.

⁷ Statement of June 7, 1945; see Goodrich and Hambro, *op. cit.*, p. 218.

any seven out of eleven votes. Thus procedural matters include: determination of time and place of meetings, establishment of subsidiary organs, adoption of rules of procedure, election of officers, and invitation of states that are not Council members to send nonvoting representatives to participate in discussions when those states are directly interested in the outcome of those Council debates.

Beyond the above obvious truisms one encounters difficulties and uncertainties. Although some decisions are clearly procedural and others as clearly nonprocedural, or "substantive," in nature, there is bound to exist a twilight zone in which the type of vote demanded is obscure. This situation has existed ever since UNCIO.⁸ At San Francisco the committee working on the future Article 27, aware of the uncertainty involved in the draft, addressed a questionnaire to the Sponsoring Governments (the United States, the United Kingdom, the USSR, and China) listing twenty-three questions as to the operation or nonapplicability of the veto in as many types of potential situations.⁹

On June 7, 1945, a joint Statement of Interpretation was issued, which answered some of the obvious questions directly and largely evaded the others. It is not to be taken as an official interpretation of the San Francisco Conference; but, since it emanated from the four major powers and since the government of France announced its concurrence, it may be taken as an indication of probable future application, since it is these five states which enjoy the veto privilege. In brief, the Statement held that procedural matters would be those considered under Articles 28 to 32, and in effect that virtually everything else would be regarded as substantive and therefore subject to veto. It went on with the wishful thought that "It is not to be assumed, however, that the permanent members . . . would use their 'veto' power wilfully to obstruct the operation of the Council."

There was at San Francisco a heated debate on whether the adoption of an agenda item was procedural or substantive. The Soviet Union held tenaciously that determination of the subjects to be considered was of substantive importance and therefore subject to the "rule of unanimity," as the Russians commonly call the veto power. Only after long argument was the Kremlin won over to the opposing point of view. Usage in the Council's first few years established the correlative principle that the veto may not be used to prevent

⁸ An excellent discussion of the origin and meaning of the veto will be found in the Brookings Institution's *Major Problems of United States Foreign Policy, 1948-49* (Brookings Institution, 1948), pp. 185-216. One should also consult Goodrich and Hambro, *op. cit.*, pp. 213-227.

⁹ The text of these questions and of the reply is given in the first edition of Goodrich and Hambro, *Charter of the United Nations* (World Peace Foundation, Boston, 1946), pp. 126-132. The reply (of June 7, 1945) is also available in the revised edition of Goodrich and Hambro, *op. cit.*, pp. 216-218, and in *Decade of American Foreign Policy*, pp. 1057-1060.

hardened into anger and, with some persons, into despair over the whole future of the UN. Before the organization was five years old, many reform proposals had been put forward, ranging from mild suggestions that the Big Five exert greater self-restraint in applying Article 27 to dogmatic statements that the UN with the veto was worthless and should either be abandoned or reorganized without the Russians.

That the veto has debilitated the Council is a matter of common knowledge. A few facts that are less well known should, however, be taken into consideration; they do not justify Russian action, but they help one to understand both that action and the veto problem. One such fact has already been mentioned: that the United States and other nations were just as insistent upon the veto at UNCIO as was the USSR. Another is that, although the Russians are the principal veto-villains, having cast fifty vetoes in the same time that France has cast one and England, America, and China none, it is a matter of record that on several occasions two or more of these four powers have voted against proposed actions in the Security Council and thus prevented action. Since in these cases at least two of the Big Five have voted "nay," they have not technically cast vetoes; nevertheless, the effect was the same. Thirdly, although Western complaint against it is widespread, it is noteworthy that the veto is retained in use in both the Council of Europe and NATO; evidently it is not regarded as inherently and unalterably bad. Fourthly, of the Soviet Union's first forty-seven vetoes, nearly half—twenty-two—were cast in the one function of preventing admission of new members. It may be recalled that Italy's admission had been vetoed five times by 1952, and that the applications of several other states had been vetoed two or more times each.¹²

► *Modification of the Veto.* As early as 1950 several actions had been taken outside the UN that stemmed largely from a widely felt desire to escape the crippling effects of future vetoes. Thus in 1947 the Organization of American States inserted into the Rio treaty provision for collective action by two-thirds vote.¹³ In 1948 a similar pact, the Brussels treaty, came into being, in an attempt to achieve a security which, it was feared, was not otherwise possible in western Europe. In the same year the Vandenberg Resolution put the United States Senate on record not only for such regional security pacts as these, but also, with specific reference to the UN, for "voluntary agreement to remove the veto from all questions involving pacific settlements of international disputes and situations, and from the admission of new members." This resolution furthermore led in 1949 to the North Atlantic Treaty, under which

¹² See Rupert Emerson and Inis L. Claude, Jr., "The Soviet Union and the United Nations: An Essay in Interpretation," *Int. Org.*, Feb. 1952, pp. 1-26.

¹³ Under the Rio treaty a vote of sanctions could be taken by a two-thirds majority, but a dissenting state is not bound to join in the contemplated action. This does not constitute a veto in the sense of Article 27, since it does not preclude action by the remaining states on behalf of the Organization.

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no Russian veto was possible because the USSR was not a member, but under which any member of NATO could prevent action by its comrades.

Within the United Nations, too, there was ferment. As we have seen in the preceding chapter, the hamstringing effect of the veto in the Council was a major incentive toward the establishment of the Assembly's Interim Committee, in 1947, and the passage of the "Uniting for Peace" resolution, in 1950. As early as 1946 the Assembly urged the permanent members of the Council not to impede action by using the veto,¹⁴ and a year later it commissioned the Little Assembly to study the problem and make recommendations. In early 1948 the United States proposed that the Council cease its endless wrangling as to what was procedural and what was substantive by simply agreeing that a vote of any seven of the eleven members would suffice to pass any one of thirty-one specified types of questions.¹⁵ Here as in the Vandenberg Resolution the United States indicated its willingness to approve the abolition of the veto as used in voting on membership applications and in action taken under Chapter VI of the Charter. Neither here nor elsewhere, however, has the United States shown any desire for an end to the veto as used under Chapter VII. The United States has also opposed proposals looking toward a general Charter-amending conference to deal with the veto; the reason was that such a conference seemed bound to fail and therefore to aggravate an already precarious international situation without accomplishing any countervailing good.

It is apparent that the same states which use or misuse the veto have the power to prevent any change in the *status quo*. Consequently it is not surprising that no effective action has been taken in pursuance of the Assembly recommendation of April 1949 that the permanent members of the Council forbear excessive use of the veto and agree on a list of cases, such as those suggested by the Interim Committee and the United States, in which a simple vote of any seven members may carry the decision.¹⁶

There is something unrealistic about many of the public and Assembly debates and resolutions on the veto, in that they often confuse the symptom with the disease. The veto is a symptom of disunited Big Five policies, and only a symptom. If there were true unity of purpose and interest on the part of those five nations the veto would present no problem. There is no reason to

¹⁴ Resolution of December 13, 1946; see *Decade of American Foreign Policy*, p. 1065. See *ibid.*, pp. 1060-1076, for texts of other statements of United States policy and of UN resolutions. Other pertinent documents will be found in *Docs. Am. For. Rels.*, 1947, pp. 319-324.

¹⁵ Proposals dated March 10, 1948; text in *Docs. Am. For. Rels.*, 1948, pp. 312-315. See also *ibid.*, pp. 315-318, for resolutions of the Assembly's *ad hoc* Political Committee on the problem of voting.

¹⁶ See 1948-49 UN Yearbook, pp. 426-431. On December 1, 1949, another Assembly resolution called on the Big Five "to broaden progressively their cooperation and to exercise restraint in the use of the veto in order to make the Security Council a more effective instrument for maintaining peace." *Docs. Am. For. Rels.*, 1949, pp. 306-307.

believe that abolition of the veto would eliminate the basic lack of community of interest.

The prospects for solution of the veto problem are dim because prospects of hearty cooperation among all the Big Five are dim. However, one development has emerged contrary to the definite prediction of the Sponsoring Governments at San Francisco: practice has established the principle that when one of the Big Five abstains from voting it does not thereby cast a veto. This practice contradicts one reasonable interpretation of Article 27(3), but it has nevertheless been accepted, and on at least a few occasions it has avoided the crippling results that would have ensued had an abstention been considered the equivalent of a veto.

➤ *Enforcement of Council Decisions.* If the diplomatic history of the 1930's proved anything at all, it was that an international peace agency which declares a nation to be an aggressor must have the power to back up its decision with force or else suffer fatal ridicule. It was on this point that the League foundered in the Italo-Ethiopian war of 1935-1936.

The framers of the Charter were determined to avoid a recurrence of any such events, and they wrote into their document three provisions of outstanding importance in this connection. One, found in Article 51, says that member states shall retain their rights of individual and collective self-defense in case of attack. Further consideration will be given to this section later. Secondly, Article 45 binds all UN members to "... hold immediately available national air-force contingents for combined international enforcement action." Thirdly, Article 47 authorizes a Military Staff Committee "... to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament." The composition and functions of this committee will be discussed later.

The paper possibilities of military action under Council control are imposing, and they may turn out to be so in actual practice. Two cases should be noted, however, in which the Council need not be expected to take action.

One is the type that arises under Articles 106 and 107, which in effect provide that if enforcement action is needed against states that were enemies of the United Nations in World War II it shall be undertaken by the United States, Britain, Russia, and China, rather than by the Security Council, unless and until the Military Staff Committee shall have succeeded in bringing into force the treaties mentioned under Article 43, covering national contributions of troops for UN enforcement action. These articles also preclude UN action against former enemy states for causes arising from World War II. This is evidence of the statement already made that the UN was not designed to make

the peace after 1945 but rather to maintain it once it had been made by other means.

The second exception to enforcement action arises not from the wording of the Charter but from a realistic appraisal of world power as represented in the UN: one may assume that enforcement action under Chapter VII will never be undertaken against one of the Big Five, since it would be vetoed by that nation. Further, there is not the remotest chance that an international force directed by the Military Staff Committee could be of such size as to permit coercion of one of the major powers. The Charter's enforcement action will almost certainly be directed against second- or third-rate powers, and possibly not even against one of them if that one is fortunate enough to be a protégé of one of the Big Five and is protected by the use of the veto. This weakness of the Charter clearly reflects the basic shortcoming of international organization based upon the principle of sovereign equality.

➤ *The Right of Self-defense.* The statement of Article 51 reserving the right of self-defense would appear at first glance to be superfluous, for it can be presumed that no nation will ever give up this fundamental right. It will be noted, however, that this article protects the right of collective, as well as individual, self-defense. Thus it has opened a whole new vista of possible ways of gaining security in this insecure world. The right of collective self-defense recognized by Article 51 has been the legal peg on which have been hung the inter-American postwar security system created at Rio de Janeiro in 1947 and the North Atlantic Treaty of 1949.

➤ *Regional Peace Interests.* One of the reasons why the United States never joined the League of Nations was that it feared being drawn into disputes all over the world, whether or not they directly affected American interests. Although trouble in Mexico or in the Caribbean was of obvious interest to us, even more serious emergencies in the Balkans or in Asia aroused little concern on the part of our general public. In this we were not unique: it is a tendency of all nations to show more interest in preventing wars near by than in preventing distant wars. It may well be, therefore, that a general security agency such as the League or the UN is too general, and that reliance for peace should be placed in regional rather than universal associations, which might take advantage of this national tendency.

The attitude of the League Covenant, however, was one of ill-concealed hostility toward regional groupings; it regarded them as competitors. Nevertheless, regional agencies such as the Organization of American States did exist, and the League grudgingly admitted their possible usefulness in the Covenant's Article 21, which said that "Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the mainte-

nance of peace." With this curt nod of recognition the League brushed off the regional arrangements.

The UN Charter takes exactly the opposite approach. It recognizes that people are more interested in putting out a fire close to home than in a neighboring city, and it constructs its fire-fighting equipment accordingly. Chapter VIII (Articles 52-54) welcomes the regional arrangements with open arms and orders the Council to encourage them in settling disputes in their own areas, subject to the limitation that regional enforcement action shall not be taken without approval of the Council and that this body shall be kept informed of the actions of the regional agency. As previously mentioned, one of the means of pacific settlement directly approved by Chapter VI of the Charter is the use of regional bodies. Thus it would appear that the Charter was wiser than the Covenant, in attempting to rely heavily on the agencies likely to be of direct interest to the states involved or concerned in a dispute; friendly cooperation of international agencies may do much more to preserve the peace than would jealous competition. There seems reason to believe that several more international agencies may arise.

ACTIVITIES

➤ *The Military Staff Committee.* The Military Staff Committee (MSC) is composed of the chiefs of staff (or their representatives) of the armed services of the Big Five; it is a fifteen-man body, since each of the five sends a delegate from its army, navy, and air forces. It was consciously constructed as a peacetime analogue of the wartime United States-United Kingdom Combined Chiefs of Staff. That this potentially significant group should be composed solely of representatives of the Big Five is simply another bit of evidence of the responsibility vested in the permanent members of the Council. A reminder here may not be amiss: Articles 24, 48, and 49 provide that when the Council takes enforcement action it acts on behalf of all UN members, and all are bound to assist in executing whatever measures are ordered.

Under the terms of Article 47, the MSC is obviously expected to be the Security Council's right-hand man in all military matters. It has the responsibility of negotiating the treaties under which national military units will be made available for international enforcement action.¹⁷ This is true both of the national air-force contingents referred to in Article 45, which presumably would constitute the mobile initial emergency force, and of the long-range troop contributions to be arranged for under Article 43. Neither type of treaty has yet been concluded.

In addition to having this treaty-negotiating function, the MSC has responsibility for the great amount of planning necessary if anything resembling an international army is to be assembled from national units and geared together. Some states might contribute bases, supplies, and transit rights rather than troops; problems of coordination raised here will simply be added to those of organization command, logistics, and finance, all of which demand solution by the MSC. As a further possibility, the MSC itself might conceivably be called upon to assume field command, although such an eventuality seems unlikely.

Mention of disarmament in conjunction with such matters as these may seem to be made with tongue in cheek, and yet it must be made, because Article 47 prescribes that the MSC shall advise the Council on regulation and reduction of armaments. In the preceding chapter it was indicated that the present possibility of disarmament was a remote one; but it is intended that when that millennial day comes the MSC is to do its share. Apart from questioning the desirability of dividing responsibility for arms regulation between Council and Assembly, as the Charter does, more than one person has skeptically asked how much disarmament could be expected from military men, since few people show much initiative in abolishing their own professions.

The MSC held its first organizational meeting in London on February 3, 1946, during the first Assembly session there, and then moved to New York, where it has sat since March 1946. Charged at the outset by the Council with the task of formulating the basic principles on which an international armed force could be created under Article 43, the MSC spent some fifteen months, to April 1947, in drafting a non-unanimous statement of "General Principles Governing the Organization of the Armed Forces Made Available to the Security Council by Member Nations of the UN." The recommendations and

¹⁷ The MSC will negotiate treaties in the name of the Council, so that under Article 43(3) the Council itself will be one of the contracting parties. Since treaties normally are entered into only by states, this provision evidently assumes that the Council has a position analogous to that of a state and has the legal capacity to enter into treaties with sovereign states on a footing of equality. This assumption was buttressed by an advisory opinion of the International Court of Justice in 1949, which held that the UN could sue states responsible for negligence which resulted in injury or death to UN personnel. For details see the subsequent chapter on the Court.

dissents of this report¹⁸ were symptomatic of the basic cleavages between Russia and the other powers.

The MSC has made no real progress toward the negotiation of the treaties foreseen by Article 43 for contribution of national forces for the UN's use, unless definition of areas of disagreement be considered progress. Conceivably an international force could be created by contributions from each UN member state of a fixed percentage of the total needed army, navy, and air forces; but the welding of sixty languages, commands, weapons, and strategies into one effective whole was rejected as impossible from the outset. Rather, the MSC agreed that the Big Five should assume major responsibility and thus should furnish the lion's share of the troops and equipment, though not to the exclusion of the smaller states' troops, bases, and supplies. But with this primary decision made, a deadlock arose.

The Soviet Union proposed that all of the Big Five contribute equally to all three major military arms. The other four countered that, no matter how reasonable this might appear on paper, they did not care to have the fate of the UN depend on the Chinese air force or on decades-old Russian battleships. Furthermore, the Russian proposal would necessarily have limited the size of the UN force to five times the available contribution of the weakest member; if the French, for example, could contribute only 100 planes, the principle of equality would limit the whole UN air force to 500. The other four, consequently, offered the substitute proposal that each nation make available that type of force in which it was especially proficient and well equipped. Thus the Russians might be depended upon for the major portion of the UN's ground troops, whereas the British and Americans might supply most of the naval and air arms.

The MSC came to an absolute impasse on this point, and no solution has been forthcoming. There was also much debate on other issues, such as the questions of which countries' bases should be used and under what conditions, and the length of time an international force might be allowed to remain on the scene of enforcement action before being withdrawn to home territory.¹⁹ Since the MSC has shrouded its consultations under a heavy veil of military secrecy, its activities cannot be appraised with much assurance of accuracy. The size of the projected international force has been the subject of widespread speculation, with guesses ranging from 500,000 to two million men.²⁰ Argu-

¹⁸ The text of the Principles is available in *1946-47 UN Yearbook*, pp. 424-443; *New York Times*, May 4, 1947, p. 48; *Docs. Am. For. Rels.*, 1947, pp. 371-387.

¹⁹ See, for example, Articles 7, 8, 11, 14, 20, 32, and 33 of the "General Principles" of April 30, 1947.

²⁰ See, for example, the *New York Times*, Mar. 24, 1946, and *United States News*, Apr. 5, 1946, pp. 22-23, for opposing views on this point. See also, in general, Hanson W. Baldwin in the *New York Times*, Oct. 27, 1946; *World Report*, July 1, 1947, pp. 22-23.

ment on this point is not too significant, however, for whatever force may ultimately be created will not be large enough to coerce a first-rate power, and in any case no agreement can be expected to be forthcoming from the MSC until the larger political conflicts between the Soviet Union and the other major powers are resolved.

➤ *The Soviet-Iranian Dispute.* The UN organization was not even completed when it was forced to face its first test. Before the Security Council had held its first meeting, in January 1946, there were widespread rumors of troubles between the Soviet Union and Iran. In late 1945 there had been a separatist uprising in the province of Azerbaijan, in northwest Iran; this was the territory around the city of Tabriz, bordered on the east by the Caspian Sea, on the north by the USSR, and on the west by Turkey and Iraq. With large parts of this province under rebel control, the Iranian army sent to quell the revolt was allegedly refused admission to the territory by Russian troops stationed in Iran. The Soviet Union's position was that its forces were simply maintaining law and order, whereas the Iranian argument was that the whole affair was one of Russian-inspired rebellion with the motive of autonomy for Azerbaijan or at least broad tolerance toward the Soviet Union.

Soviet troops at this juncture were legally present in Iran, under the terms of an Iranian-British-Russian treaty of 1942. According to this pact, Russian troops could be stationed in the north of Iran and British troops in the south in order to protect the sizable American lend-lease shipments proceeding overland to Russia from the Persian Gulf. Anglo-Russian guarantees had been made not unduly to disturb Iranian economic life or the application of Iranian laws, to maintain the inviolability of the local government's territorial integrity, and to remove all troops six months after the end of the war. Since the Japanese surrender was signed September 2, 1945, this fixed the troop-withdrawal date as March 2, 1946. By that time the British troops were out, but the Russian ones remained.²¹

This was the background of the referral of the matter to the Security Council. Many were those who, as of January 1946, wished to defer action. Many friends of the UN were desperately worried lest the organization be submerged in a flood of disputation before it had time even to get its breath—or, as one delegate said, lest one “put ice skates on the international baby before it has learned to walk.” There was also danger that such a disagreement as the impending one would wreck the precarious Big Five unity, which was counted upon to cement the UN. Certainly strong reasons could be given for delay. On the other hand, although the UN would lose prestige by an unsatis-

²¹ A good brief summary of this dispute is in *Int. Org.*, Feb. 1947, pp. 74-77. See also George Lenczowski, *Russia and the West in Iran, 1918-1948* (Cornell University Press, 1949), Chapter 11.

factory solution to the problem, its prestige would surely sink to zero, especially in the smaller states, if it did not manfully face up to problems as they arose.

In any case, the issue was forced in January, when the Iranian delegation to the UN presented a letter to the Acting Secretary-General which stated that, "owing to interference of the Soviet Union . . . in the internal affairs of Iran, a situation has arisen which may lead to international friction" and asked that the case be referred to the Council under the terms of Article 35(1).

A dozen Council meetings were devoted to the charges. Iran at this point did not charge that Soviet troops were illegally in its territory, because the March 2 date had not yet been reached. However, it did allege that Russian troops were inciting Azerbaijanis to rebellion and thus violating the territorial-integrity guarantees of the 1942 treaty. The Russian reply was that there was no connection between the uprising and the presence of Soviet troops, that negotiations for settlement of the misunderstandings were proceeding satisfactorily, and that the Council had no jurisdiction in this case because there existed no situation or dispute "likely to endanger the maintenance of international peace and security" within the meaning of Articles 34 and 35(1) of the Charter. On February 1 the Council noted the willingness of both parties to reopen direct negotiations, suggested that they do so, and requested that it be kept informed on progress made.

This proved to be the lull before the storm, which broke on March 26 in the form of bitter Iranian charges that the Soviet Union was continuing its interference in Iran's internal affairs, that direct negotiations had broken down, and that Soviet troops were now in illegal occupation of Iranian territory, since the March 2 deadline had been passed. The Soviet counterattack was mounted by Andrei Gromyko, who stated that negotiations were in fact proceeding, that agreement had been reached for troop withdrawal in five or six weeks, "unless unforeseen circumstances arise," and again that the Council had no jurisdiction over the case. He demanded that further consideration be postponed until April 10, and when compliance was not forthcoming he stalked from the chamber; this was the first of the famous Russian walkouts. Undeterred by this bluster the Council continued its discussion, hearing among other things Iranian charges that the USSR had offered to withdraw its troops in return for petroleum concessions and local government autonomy for Azerbaijan.

A shift took place on April 15. By this time Gromyko was again in attendance, his April 10 deadline having passed; now he contested the validity of actions taken in his absence, on the theory that the Council had heard only one side of the case.²² The really significant move at this session came, however,

²² There is an obvious similarity between this argument and that made by the USSR in August 1950, when the Council was considering the Korean problem. From mid-January to

from the Iranian delegate, who stated that his government now had "complete confidence in the word and pledge of the Soviet Government" to withdraw its troops, and who therefore withdrew his complaint against Russia. A nice point of constitutional law was thereby raised: can the Council keep a matter on its agenda without request from an allegedly injured party? Debate in the Council and in a special committee of experts was inconclusive,²³ but on April 23 the Council voted to keep the item on its agenda, whereupon Gromyko announced that he would participate in no further discussion. Finally, on May 20, 1946, because of fairly trustworthy evidence of Russian troop withdrawal and lessening of separatist pressure in Azerbaijan, the Council adopted a resolution that it should "adjourn the discussion of the Iranian question until a date in the near future, the Council to be called together at the request of any member."²⁴

Thus, somewhat abruptly, ends the story. Russian troops did leave, although several months after the treaty date. The Azerbaijan revolt collapsed. What part did the UN have in bringing about this result? On the one hand, it may be argued that the Soviet Union simply made up its mind that the game wasn't worth the candle and that its interests would be better served by pursuit of other policies elsewhere. On the other hand, it is at least an equally tenable position that had it not been for the Security Council the Soviet troops might have remained indefinitely in Iran, and Azerbaijan might have become a Soviet-sponsored state. Certainly the UN was widely credited with major assistance in guiding the dispute to a desirable conclusion. The "bad press" which the USSR's policy evoked throughout the world may have indicated to the Kremlin a surprisingly aroused and interested world public opinion, further irritation of which would have been unwise.

➤ *Indonesia.* On the date of the formal proclamation of the Republic of the United States of Indonesia, that government's representative at Lake Success made the following statement:

The establishment of the Republic of the United States of Indonesia is significant and important not only to the Indonesian people and the rest of Asia, but to the UN itself, which can count the Indonesian solution as one of its major successes.

Without the positive assistance which the UN rendered, Indonesia's fate would have been decided on the battlefield alone.²⁵

Such an achievement merits attention.

August 1 the USSR boycotted virtually all UN organs. The Council in June took action to repel the North Korean invasion, and when the USSR representative returned on August 1 he maintained that such action was invalid because it was taken in the absence of one of the permanent members. The reply was, of course, that the absence was self-enforced.

²³ At this juncture the Secretary-General exercised his prerogative under Article 99, and on his own initiative sent the Council a memorandum on his opinion as to proper action. See Goodrich and Hambro, *op. cit.*, pp. 205-206, 239-240, 502-503.

²⁴ The vote on this resolution was nine to one, with Poland in the minority and the USSR absent.

²⁵ *UN Bulletin*, Jan. 15, 1950, p. 82.

group thus formed shortly reported that the orders were not effective and that there was little evidence of wholehearted attempt on either side to make them so.

The second resolution of August 25 created a Committee of Good Offices, to assist the parties in reaching an agreement; this group was later (in 1949) renamed the UN Commission for Indonesia (UNCFI) and it will henceforth be referred to here under its more recent name. Each of the disputants was allowed to name one country that would select a representative on the UNCFI, and the two countries chosen were to name a third. The Netherlands chose Belgium, Indonesia chose Australia, and Belgium and Australia jointly chose the United States. This was the first use of such a technique in the UN.

By the time the UNCFI members arrived in Batavia, two months later, tempers had flared, disputes over prestige were exacerbating the situation, and consequently even the question of a meeting place proved difficult of solution. The last point was settled when the United States sent the U.S.S. *Renville* to Batavia; aboard this ship an important document was evolved and signed on January 17, 1948, which has become known as the Renville Agreement. It provided for a cease-fire and stand-fast order on both sides, for resumption of general commercial intercourse insofar as was possible, and for a renewal of attempts, with the assistance of the UNCFI, to work out the problem of Indonesian independence upon the principles already laid down in the Linggadjati Agreement.

Bitter debates ensued. On the one hand, the Indonesians charged their opponents with unnecessary delay in implementing existing pledges; on the other, the Dutch alleged that the Indonesians were politically incapable of establishing and maintaining a government. There was evidently a good deal of truth to both assertions. At any rate, little progress was made toward executing the Renville terms. A complete breakdown came on December 17, 1948, when the Netherlands, declaring its opponent's position to be unsatisfactory, delivered an ultimatum for compliance by the following evening. Since compliance was not forthcoming, the Netherlands declared the Renville Agreement canceled and resumed full-scale military operations, which speedily resulted in capture of strategic territories and in imprisonment of the most important Indonesian political and military leaders.

As might be expected under the circumstances, the Council reacted adversely to the Dutch cause, and in late December it passed another resolution asking for an immediate end to hostilities, a release of political prisoners, and a report by the UNCFI on compliance. The Dutch reply was defiant: military action would cease in a few days, not at once. It was clear that the action was to be continued until the Netherlands' bargaining position had improved materially.

if necessary, and it pledged the support of the nineteen states to any such enforcement undertaking.²⁸ If the UN had failed in its Indonesian endeavors it would have lost face immeasurably throughout the Orient and would doubtless have been tagged as a mere front for the depredations of decadent nineteenth-century Western imperialism. Fortunately, this result was avoided.

➤ *Kashmir*. In some disputes, such as those involving Iran and Indonesia, the Security Council's efforts have been crowned with success; in others, such as that involving Kashmir, the Council has not been so fortunate, or at least not immediately so. The Kashmir dispute is a fantastically complicated one, involving not only deep-seated religious hatred between Moslem Pakistani and Hindu Indians but also world political considerations of the first magnitude, since the area in controversy adjoins not only India and Pakistan but also China and the Soviet Union.

Long-standing Indian desires for independence from England were fulfilled by the creation in August 1947 of the sovereign states of India and Pakistan. The division of territory between these two provoked great strain, some of which showed up in the dispute over the state of "Jammu and Kashmir," usually known simply as Kashmir. This state's maharajah had joined his domain to India, to the considerable disgruntlement of Pakistan, which held that, since three fourths of Kashmir's population was Moslem, accession to India could not represent the popular wish. Both India and Pakistan agreed, finally, that a plebiscite should be held to decide the future of the territory.

On January 1, 1948, India complained to the Security Council under Article 35 of the Charter that Pakistan had abetted native tribesmen in an invasion of Kashmir.²⁹ Armed Indian-Pakistani clashes resulted. In April the Council, following the general pattern of action established in previous instances, established a United Nations Commission for India and Pakistan (UNCIP), and charged it to act as a mediator in the restoration of peace and to facilitate the holding of a plebiscite in Kashmir.³⁰ In July 1948 the UNCIP arrived on the spot and in August proposed issuance of cease-fire orders. Great controversy ensued as to details, but such orders were made effective as of January 1, 1949, by the two high commands. With fighting at a standstill, UNCIP proceeded to try to arrange troop withdrawals from the disputed territory, on the theory that this was the next logical step prior to

²⁸ The text of the resolutions is in the *New York Times*, Jan. 24, 1949, p. 3; also in *Int. Org.*, May 1949, pp. 389-391.

²⁹ See *Int. Org.*, June 1948, pp. 299-306, for the charges and countercharges placed before the Council. Josef Korbel, who in 1948 was a member of the United Nations Commission for India and Pakistan, has written an article called "The Kashmir Dispute and the UN," *Int. Org.*, May 1949, pp. 278-287. A convenient summary of the dispute is found in *UN Bulletin*, Jan. 15, 1950, pp. 86-92; see also *ibid.*, Mar. 15, 1950, pp. 262-273; 1948-49 *UN Yearbook*, pp. 279-283; and *ibid.*, 1950, pp. 304-313.

³⁰ Text of this resolution of April 21, 1948, is in the *President's Report on UN, 1948*, pp. 246-250. The UNCIP was composed of representatives of five countries: Argentina, Belgium, Colombia, Czechoslovakia, and the United States.

holding a plebiscite. At this point (March 1949) the Secretary-General nominated a Plebiscite Administrator, who was duly approved by the two contending governments.³¹ The appearance of progress was, however, deceptive; the program ran into numerous snags. Wrangling took place over which state's troops should be withdrawn first and over the permissibility of continued use of police and garrison troops. These differences, which obviously were not even the main issues at stake, seemed absolutely irreconcilable. By July 1949 an agreement had been proposed by the Commission and ratified by both Pakistan and India that there should be no increase in forces on either side of the cease-fire line which divided Kashmir into two roughly equal areas; but beyond this agreement it proved impossible to go. The UNCIP proposed arbitration, but India declined. After further protracted but futile efforts at mediation, the UNCIP confessed failure and by report of December 1949 referred the problem back to the Council, with the suggestion that a single negotiator might have more success than the five-member Commission had had.

Toward the end of 1949 the Council President attempted to bring representatives of India and Pakistan into agreement on troop withdrawals, but without success. In March 1950 the Council resolved that, subject to the approval of the two disputants, a single UN Representative for India and Pakistan should supersede UNCIP and should endeavor to work out the demilitarization of Kashmir, which all believed should be precedent to the holding of the long-awaited plebiscite. The powers and responsibilities of UNCIP were transferred, with the acquiescence of India and Pakistan, to the Australian jurist-diplomat Sir Owen Dixon, who was appointed by the Council in April. He proceeded to bring together in conference the Prime Ministers of the two countries, but they failed to achieve agreement. Finally, in September, he reported to the Council that he had proposed five solutions, that none of them was acceptable to the government of India, and that there appeared to be nothing more that he could do.³² India's attitude was that Pakistan was the invader in territory rightfully Indian, and that negotiation was impossible until the aggressor's forces were withdrawn. In mid-1951 Dr. Frank P. Graham, former president of the University of North Carolina, was appointed as UN Representative, but the first year of his operations ended with no settlement reached, although some progress was reported.³³

During all this time, the two parties were in agreement on maintaining the cease-fire lines, and both were committed to an eventual plebiscite as a means of determining Kashmir's disposition; but neither would agree with the other

on the necessary preliminary withdrawal of troops. Here, then, was a problem which the Security Council had not (or had not yet) succeeded in settling; on the other hand, its agents had brought the armed conflict to an end, and such an achievement was by no means to be scorned. It was a great advance, even if not a final solution, that the struggling was being done over the conference table rather than on the battlefield.

➤ *Korea.* Reference has already been made, in the chapter on the General Assembly, to some of the events of 1945-1950 in Korea. As of June 1950 the Republic of Korea had been established under President Syngman Rhee and was recognized by the UN, but the Iron Curtain had dropped along the 38th parallel. Suddenly, on June 24, 1950, at 9:00 P.M. (New York time), the army of the People's Republic of Korea launched an attack southward all along the demarcation line.

News of the invasion reached the United States late that night, and at three o'clock in the morning of June 25 the United States requested the Secretary-General to call the Security Council into emergency session to consider this threat to international peace.

At two o'clock that same afternoon, June 25, the Council met, was informed of developments, and adopted a resolution that in its essence had been proposed by the United States. Thereby the Security Council,

Recalling the finding of the General Assembly in its resolution of 21 October 1949 that the Government of the Republic of Korea is a lawfully established Government . . . based on elections which were a valid expression of the free will of the electorate of that part of Korea . . . and that this is the only such Government in Korea; . . .

Noting with grave concern the armed attack upon the Republic of Korea by forces from North Korea,

Determines that this action constitutes a breach of the peace.

1. Calls for the immediate cessation of hostilities; and calls upon the authorities of North Korea to withdraw forthwith their armed forces to the thirty-eighth parallel.


2. Requests the United Nations Commission on Korea (a) to communicate its fully considered recommendations on the situation . . . ; (b) to observe the withdrawal of the North Korean forces to the thirty-eighth parallel; and (c) to keep the Security Council informed on the execution of this resolution;

3. Calls upon all members to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities.³⁴

³⁴ Text in *Int. Org.*, Aug. 1950, pp. 550-551; see also *ibid.*, pp. 434-439, for a good summary of Council action in June and July 1950; later issues continue the story. Full accounts of UN actions in the Korean affair are found in the *UN Bulletin*, starting with the issue of July 15, 1950, pp. 46-53, 64-73. See also the following: 1950 *UN Yearbook*, pp. 220-301; *United States in World Affairs*, 1950, pp. 184-189, 198-243, 349-377, 395-406, 414-425; *Docs. Am. For. Rels.*, 1950, pp. 9-12, 439-474; Norman J. Padelford, "The UN and Korea: A Political Résumé," *Int. Org.*, Nov. 1951, pp. 685-708; and *U.S. Policy in the Korean*

On August 1, then, Jacob Malik³⁷ started his month's tenure as presiding officer, and it quickly became clear that his mission was to prevent any further action by the Council. Through fourteen meetings in August that body engaged in a long series of procedural wrangles over such matters as the order in which agenda items should be considered and the question of seating a representative of the Mao government. Malik attempted not to count the votes cast by Chiang's delegate, and when this move was contested he grudgingly announced vote results as "including one from the Kuomintang group"; he also persisted in maintaining that China was not really represented on the Council, since the Chinese who was there was not delegated by Mao, and that the whole procedure was vitiated by this absence. He argued that the actions of June were invalid, not only because of the absence of an emissary of the Chinese Communist government but also because the June decisions were taken without the concurrence of the Soviet Union. He based his argument on a literal reading of Article 27, under which nonprocedural decisions must be made ". . . by an affirmative vote of seven members including the concurring votes of the permanent members. . . ." Technically, there might have been more than a shadow of support for the Russian argument, had it not been for the facts that (1) nonconcurrence by the USSR had been caused by its voluntary absence from Council meetings and (2) it had long since become established practice, approved by the Soviet Union, that an abstention was not to be considered the equivalent of a veto. Malik further took the position that the United States, rather than North Korea, was the aggressor in the episode.³⁸ In part this was sheer fabrication; in part it was distortion, since Malik pretended to believe that the United States was intervening in a conflict that was a simple civil war; and in part it was based on the sequence of events of June 25 to 27. As a careful reading of the Council actions of those days will show, the resolution of June 25 declared a breach of the peace, called for cessation of hostilities and North Korean troop withdrawals, and called upon UN members "to render every assistance to the UN in the execution of this resolution"; but it did not in so many words ask for military action against North Korea. Since President Truman, interpreting the UN request for assistance as a request for military action, had ordered American air and sea forces into action some hours before the June 27 Council meeting at which military assistance was specifically requested, Malik maintained that the United States was the aggressor. The argument was flimsy, but undoubtedly it had a certain propaganda appeal. Needless to say, it was never accepted by the Council.

³⁷ Jacob Malik, of the USSR, is not to be confused with Charles Malik, who at the same time was representative at the UN from Lebanon.

³⁸ It was this Russian contention that was lampooned by David Low, the famous English cartoonist, when he pictured the Soviet newspaper *Izvestia* carrying a placard bearing the legend: "South Korea kicked North Korea on the boot with  of its pants." See the *New York Times*, July 16, 1950, p. E3.

As we have already seen, the Council's Military Staff Committee had not succeeded in creating an international army for the enforcement of sanctions. However, in the Korean case there was as yet no official condemnation of an aggressor in the technical sense, and the Council had merely recommended military action against the Communist invaders. Nevertheless, if there was to be joint armed action, it appeared logical that there should be a unified command. Therefore, on July 7, the Council recommended that all nations supplying military forces place them under the command of the United States, which was requested to designate the force commander. A few days later it was announced that General Douglas MacArthur would command the "United Nations Forces."

It has already been pointed out that there was no Soviet opposition to the Council's June 25 resolution because the Soviet Union had, since January 13, 1950, boycotted almost all UN meetings at which representatives of the Nationalist government of China were seated. By the end of 1949, Chiang Kai-shek's Nationalist government had been defeated on the Chinese mainland and had retired to the island redoubt of Formosa; the Communist government of the People's Republic of China, led by Mao Tse-tung, had supplanted Chiang in control of China proper. The Russians consequently had demanded that Mao's representatives be seated in place of Chiang's in all UN organs. Although many individual states had tendered diplomatic recognition to Mao, the Council refused to yield to the Soviet demand, whereupon the Soviet representatives left the Council and other UN meetings. Thus from mid-January until August 1, 1950, there was no Soviet delegate on the Council. It so happened that under the alphabetical rotation system the Council presidency in August 1950 fell to the Soviet Union, and a few days prior to that date its representative announced that he would assume the presidency on August 1.³⁶

tions. Some of these offers were accepted and others declined; some were of questionable usefulness. They varied greatly as to type. For example, Australia offered one RAAF squadron, three naval vessels, ground forces, foodstuffs, etc.; Bolivia, thirty officers; El Salvador, volunteers, on condition that the United States train and equip them; Iceland, 125 tons of cod-liver oil; Liberia, ten tons of natural rubber; Sweden, one field-hospital unit. 1950 UN Yearbook, pp. 224-225. Troops came from Australia, Belgium, Canada, Colombia, Cuba, Ethiopia, France, Greece, Luxembourg, the Netherlands, New Zealand, the Philippines, Thailand, Turkey, the Union of South Africa, the United Kingdom, and the United States; in number they ranged from several American divisions to forty-four infantrymen from Luxembourg. Troops of the Republic of Korea were placed under General MacArthur's command by action of President Rhee. Of non-Korean troops engaged in the war on the side of the UN, some 90 percent were American. It is worth remembering that other nations were fighting Communists on other fronts at the same time—for example, the French in Indo-China and the British in Malaya—and this factor limited the number of troops available for Korea. Military assistance to the UN as of April 1951 is tabulated in the *Department of State Bulletin*, May 28, 1951, p. 861, and in *Int. Org.*, Aug. 1951, pp. 659-661.

³⁶ On the problem of Chinese representation, see "Issues Before the Fifth General Assembly," *Int. Concil.*, No. 463, Sept. 1950, pp. 340, 364-367; 1950 UN Yearbook, pp. 421-429. On the legal issues involved, see Herbert W. Briggs, "Chinese Representation in the UN," *Int. Org.*, May 1952, pp. 192-209.

to report on possible sanctions. An intense struggle took place around this motion; many opposed it on grounds that its constitutionality was dubious and that its effect might be to widen rather than restrict the area of conflict. Nevertheless, the American delegation persisted, and on February 1, 1951, the Assembly formally found that the Chinese government had "engaged in aggression in Korea." Curiously enough, no allegation of aggression was leveled against the North Koreans. On May 18, 1951, another American resolution passed the Assembly: it called upon member states to impose an embargo on the shipment of arms and other war materials to both China and North Korea.⁴⁰

Thus, by the end of the fifth month of 1951, by action of the Assembly Communist China had been proclaimed an aggressor and an arms embargo had been imposed on shipments to China and North Korea. This action still did not brand the principal aggressor, Russia, and it did not close off Russian sources of military supplies. However, it did bring the moral feelings of the rest of the world out into the open and put them on public record.

Events indicated a military stalemate. The Communists on the one hand had gotten deeply into an expedition the costliness of which they obviously had not anticipated, and the UN on its side was bogged down in a war that it could scarcely hope to win with the resources available to it. There arose much enthusiasm, consequently, in June 1951, when Secretary-General Trygve Lie made a speech intimating that a truce at the 38th parallel might be acceptable, and when Jacob Malik guardedly suggested truce talks. Such talks were hurriedly organized, and they commenced on July 10. Thereafter, however, enthusiasm waned rapidly. Far from suing abjectly for peace, the Communists intended to obtain the maximum propaganda value from the conversations. Eighteen months after the talks began, the end of the war was not yet in sight. The impression grew in the Western world that the Kremlin had determined that its interests lay in restricting the warfare but not in terminating it. As long as the war continued, forces that the UN might wish to employ elsewhere were tied up in Korea, and the Soviet Union was in a position to dangle before UN eyes the entrancing prospect of termination of the expenditures of blood and treasure in Korea in return for concessions elsewhere, such as unification of Germany on Soviet terms. Thus was the world-wide incidence of the Cold War made evident.

Whatever the ultimate outcome of the Korean "police action," certain matters had been established. For one, 1950 was a significant year in that then for the first time the United Nations (or any similar organization) had employed force in defense of the principle of collective security. It seems clear that if the UN had not taken military action in 1950 the idea of such security

⁴⁰ The texts of these resolutions are found in *Int. Org.*, May 1951, p. 421, and Aug. 1951, pp. 656-657. For action taken by the United States under the May 18 embargo resolution, see *Department of State Bulletin*, July 9, 1951, pp. 54-60.

Undoubtedly North Korea was a Russian satellite, but there was no definite evidence of Russian assistance in the form of combat personnel. It was generally assumed that Soviet advisers were the masterminds of the operation, and some of the captured equipment was clearly of Russian origin; but the Russians maintained that this equipment had been left behind in North Korea when Russian troops completed their occupation duties and were withdrawn, in 1948. In September 1950, however, a dramatic moment came in the Council when the American chief delegate, Warren Austin, produced a captured North Korean submachine gun on which appeared the markings of a Russian arsenal and the date 1950. Malik dismissed the gun with the sneer that anyone could fake evidence.

In September, after the initial defeat by which the UN forces were driven back to the "Pusan perimeter," in the southeast corner of the peninsula, counterattacks were launched, which in October carried the UN flag back northward across the 38th parallel and close to the Korean-Manchurian border. In November, when UN success seemed assured, the Chinese Communists entered the war by the hundreds of thousands and sent the UN armies reeling southward again. Ostensibly the intervention was by Chinese "volunteers" who feared that the UN advance to the Manchurian border was a threat to the vital hydroelectric power installations in the region and that the UN troops would continue across the border to conquer Manchuria. From the Western point of view two things seemed clear: first, that Mao Tse-tung had determined, on the basis of an unknown amount of Stalinist persuasion, that the time had come to strike; and secondly, that this decision had little to do with power plants.

In September the United States had proposed in the Council a resolution condemning the North Koreans for their continued defiance of the UN; but, to the surprise of no one, this motion had been defeated by a Russian veto. It became apparent that with Malik back in his seat the Council would be unable to take action, and that if anything were to be done the Assembly must do it.³⁹

As was noted in the preceding chapter, the Assembly on November 3 passed the "Uniting for Peace" resolution, which authorized it to take steps now impossible in the Council. In December it requested its President to appoint a Cease-Fire Group, which was to attempt to reach grounds for settlement; but Mao refused to negotiate. Fighting continued unabated, and many expressed despair of possibilities of ending the war. Therefore, in January 1951, the United States proposed a resolution which declared Communist China an aggressor in Korea and which asked the Committee on Collective Measures

³⁹ Although the Council had for some months done nothing actively toward ending the Korean war, it was not until January 31, 1951, that it formally removed from its agenda the item "complaint on aggression in Korea." This cleared the way technically (under Article 12 of the Charter) for the Assembly to act—and it did so on the following day.

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EDUARDO JIMINEZ DE ARÉCHAGA, *Voting and the Handling of Disputes in the Security Council* (Carnegie Endowment for International Peace, 1950). One of a series of case studies of UN organs, sponsored by the Carnegie Endowment.

HANS Kelsen, *The Law of the United Nations* (Frederick A. Praeger, New York, 1950), Chapters 10, 14, and 18.

WELLINGTON KOO, JR., *Voting Procedures in International Political Organizations* (Columbia University Press, 1947). A general study, of which Chapter 4 is devoted to voting in the Security Council.

AMRY VANDENBOSCH and WILLARD N. HOGAN, *The United Nations* (McGraw-Hill, 1952), Chapters 9, 14, and 15.

would have been killed, and that if the United States had not taken military action as it did in 1950 the world would have lost confidence in the strength of American pledges and American leadership.

Although there was in the Western world a vast amount of criticism of the United States and the UN for entering a costly and inconclusive war in a small and distant land, one could argue with logic that, although the solution in Korea was bound to be unsatisfactory, it was preferable to the likely alternatives. If Soviet aggression in Korea had gone unchecked (and one must not overlook the very important fact that it was checked, even if not immediately ended) it was a reasonable assumption that the next move would have been Communist conquest of Indo-China, followed by similar action in Burma, India, and other strategic areas of the Far East. The loss of China to communism in 1949 was a severe blow, but an extension of Russian domination to the areas mentioned would be nearly fatal, because of the propaganda value of such a Western defeat and because southeast Asia is a prime source of rubber, petroleum, tin, and other materials essential to the economy of Europe and America. A Communist conquest of southeast Asia would have been an important steppingstone to conquest of western Europe. Although no one could predict with certainty that such a catastrophe would never come to pass, it was obvious to most Americans that it was in their own long-range interest to postpone it while constructing, through mutual-aid and rearmament programs, the means wherewith to prevent it. Whatever else might be said about the Korean episode, it awoke the Western world to a realization of the extremes to which the Kremlin was prepared to go in extending the Russian empire.

Korea has yet another meaning for Americans. The United States had shied away from the League of Nations in 1920 because of fear of involvement in just such an occurrence as this; yet three decades later this same country was the prime leader in the actions taken by and for the UN. World War II had some of its origins in the same general area where the events of 1950 took place, inasmuch as the unpunished Japanese conquest of Manchuria had emboldened Hitler and Mussolini in their programs of plunder. Americans were determined to forestall any repetition of this history. The world's major isolationist had not only become the world's outstanding internationalist but was measuring up to the responsibilities of leadership incumbent upon a nation of its power.

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LELAND GOODRICH and EDVARD HAMBRO, *Charter of the United Nations: Com-*

territories also might properly be born colonies but mature into independent countries.²

➤ *Shortcomings of Imperialism.* Furthermore, the realization was growing that the imperialist state lay on no such bed of roses as the mid-Victorians had described. Colonies, in theory, were presumed to be outlets for surplus population, sources of raw materials, and markets for manufactured products, and thus they were thought to contribute significantly to the prosperity of the mother country. By the early twentieth century, however, it appeared that many potential emigrants preferred poverty at home to semi-prosperity abroad, that trade with the colonies was as profitable to other states as to the one that paid the bills for conquest and pacification, and in general that, considerations of prestige and of military strategy aside, colonies generally cost a great deal more than they produced.³ A combination of these and other factors resulted, by the end of World War I, in the decision not to parcel out among the victors the German and Turkish colonial spoils but rather to place them in a category analogous to that of the orphan child for whose welfare some adult assumes responsibility. It was recognized that some of the orphans were fairly well into adolescence and might be expected shortly to reach their majority; others were so young and retarded as to have to remain indefinitely in the relation of wards.

➤ *The Mandates System.* This is not the place to detail the nature and operation of the League of Nations' mandates system.⁴ Only a few major items will be mentioned, by the way of furnishing background for a consideration of the counterpart UN organization.

The League of Nations Covenant (in Article 22) provided for dividing the colonies that had been detached from Germany and Turkey into three groups, which came in practice to be referred to as the "A," "B," and "C" mandates. Those labeled "A" had been part of the Turkish empire and were considered to have attained a stage of political and social development almost

² "It has been estimated that of the fifty-one original signatories of the Charter of the UN, 33 were dependencies two centuries ago, 12 were dependencies one century ago, and 6 were dependencies in 1930." Quoted from *The Times* (London), Apr. 18, 1947, by F. B. Sayre in *Int. Concil.*, No. 435, Nov. 1947, pp. 698-699. It is noteworthy that several UN members have gained their independence only since World War II; for example: India, Pakistan, Indonesia, and Israel. Between 1945 and 1949 more than 500 million people made the transition from colonial to independent status; see *United States in World Affairs, 1949*, p. 350.

³ For the standard statement of this thesis, see two books by Grover Clark: *A Place in the Sun* (Macmillan, 1936) and *The Balance Sheets of Imperialism* (Columbia University Press, 1936).

⁴ For detailed studies of the mandates system, see Benjamin Gerig, *The Open Door and the Mandates System* (G. Allen and Unwin, London, 1930); H. Duncan Hall, *Mandates, Dependencies and Trusteeship* (Carnegie Endowment for International Peace, Washington, 1948), pp. 3-274 and appendices, for the evolution and administration of the system; League of Nations, *The Mandates System: Origin, Principles, Application* (League of Nations, Geneva, 1945); Quincy Wright, *Mandates under the League of Nations* (University of Chicago Press, 1930).

NON-SELF-GOVERNING AREAS

THE PROBLEM OF ADMINISTERING dependent, non-self-governing territories, which directly affects 300 million people, has grown enormously in complexity in recent decades. Time was when a state had as large an empire as it could acquire and made no apologies for its imperialism. Thus did Englishmen glory in possession of an empire on which the sun never set. The question of colonial government was simply if not always efficiently solved: the mother country ruled its empire with an iron hand as long as it could. The colony revolted if it was capable of so doing, but otherwise it remained subject to that iron hand unless and until another state was able to defeat the first one in war and then apply the age-old "to the victor belong the spoils" principle. Thus government depended upon sheer material power. Although it had moral limitations, this system at least had the virtue of directness, and few there were who questioned its propriety.

➤ *Self-determination.* But this system, which from the point of view of the imperialist was so cozy, was doomed. The nationalism that had contributed to the rise of the modern state began to make itself felt in colonial areas. A demand arose for some measure of self-government, and this theme was reiterated by Woodrow Wilson in his speeches on "self-determination of subject peoples."¹ A somewhat disquieting feeling arose in some people in imperialist states that their dominion over other races was morally questionable, and that if they did continue to rule they were bound by the ancient principle of "noblesse oblige" to raise the educational and physical standards of the colonial peoples. Many persons, including a large number of Americans, were keenly aware of their own revolutionary origins and concluded that other

¹ The fifth of his Fourteen Points called for an adjustment of colonial claims based on the principle that "... the interests of the population concerned must have equal weight with the equitable claims ..." of the imperial government. In a speech of February 11, 1918, Wilson said that "... peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game ... but every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned." The latter is quoted in *The United States and Non-Self-Governing Territories*, Dept. St. Publ. No. 2812 (GPO, 1947), p. 4. This booklet is a very convenient compilation in about 100 pages of the salient points of trusteeship development; it includes numerous pertinent documents. (It will be cited hereafter as *United States and Non-Self-Governing Territories*.)

sultation did not materialize, however, and the San Francisco Conference consequently had to start from scratch. It is of interest to Americans that one of their delegates, Harold E. Stassen, was chairman of a committee designated to prepare the working papers on the basis of which Chapters XII and XIII of the Charter were drafted, and also that the sections on strategic-area trusteeships, so important to the United States for reasons later to be discussed, were of American origin. Chapter XI, applying to non-self-governing territories not covered by trusteeship agreements and guarantees, was largely the creation of the delegates of Australia and the United Kingdom; it was not foreseen at Yalta, but was added at San Francisco largely to pacify the war-engendered nationalist feelings of colonial native populations, especially those in the southwest Pacific. With these preparations made, the League of Nations passed the torch to the UN by resolution adopted by the League Assembly on April 18, 1946; in this resolution the League referred to its demise and the consequent demise of its mandatory functions, nodded approvingly in the direction of Chapters XI-XIII of the Charter, and gave its blessing to those League members which had expressed their intentions of converting their mandates into trusteeships.⁸

CREATION OF THE TRUSTEESHIP COUNCIL

Article 86 of the UN Charter specifies that the Trusteeship Council shall consist of three categories of members: those states which administer trust territories, those of the Big Five which do not undertake such administration, and enough other members, elected by the Assembly for three-year terms, to ensure that the Council's membership will be equally divided between those states which do and those which do not administer trust territories.⁹ At the first meeting of the Assembly, in London in January 1946, it was impossible to establish the Trusteeship Council, since no trust agreements had yet been negotiated. Therefore the Assembly contented itself with calling upon members to proceed to such negotiation and to submit the agreements for approval to the second part of the first session. When this part met, in late 1946, it had before it and approved several trust agreements, which allowed the constitution of the Trusteeship Council. This body held its first meeting in March

⁸ The text of this resolution is in *United States and Non-Self-Governing Territories*, pp. 62-63.

⁹ A certain modification of this arrangement was a consequence of the Assembly's decision, in 1950, to assign a trust territory to Italy, which was not a UN member, and admission of which was vetoed. As will be indicated later, in the discussion of the disposition of the former Italian colonies, Italy is allowed to sit with the Trusteeship Council and participate in discussions relating to its trust, but it is not given a vote. It should be noted that the members of the Trusteeship Council are states and not individuals; this is an important difference between the Council and the Permanent Mandates Commission. This provision has been held to be unwise; see A. Loveday, "An Unfortunate Decision," *Int. Org.*, June 1947, pp. 279-290; but an opposing opinion is voiced by Annette B. Fox in "The UN and Colonial Development," *Int. Org.*, May 1950, pp. 203-206.

sufficient to allow them safely to become independent; consequently, the supervising mandatory power would be required to administer these areas with a view to that eventual status. The "A" mandates included Syria, Lebanon, Palestine, Iraq, and Transjordan, all of which had, by 1948, become independent; indeed, by 1949 all except Transjordan (later known as Jordan) had joined the UN. The "B" and "C" areas, on the other hand, formerly German, had no definite prospect of even ultimate freedom, although that was not expressly precluded. The "B" mandates were African—Togoland, the Cameroons, Tanganyika, and Ruanda-Urundi; in these areas the mandatory power was to guarantee protection of the public morals, prohibition of traffic in slaves, arms, and liquor, and prohibition of fortifications or use of natives for military purposes other than local defense and police. The "C" mandates included German South West Africa and Germany's numerous Pacific island possessions: the Marianas, the Carolines, the Marshalls, the Solomons, Nauru, and other groups or parts of them. These islands were to be administered as though they were integral parts of the mandatory's colonial empire, but they were to be under some of the same protective guarantees as the "B" group.⁵

The Covenant further provided that the mandatory power should render annual reports to the Council on its stewardship. A Permanent Mandates Commission (consisting of ten or eleven highly qualified colonial experts appointed as individuals rather than as government representatives by the Council, and mostly from nonmandatory powers) was established to advise the Council. Thus was provision made for those colonial areas which, in the Covenant's euphemistic phrase, were "inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world." The Supreme Council of the Allied and Associated Powers distributed the mandates to France, the United Kingdom, Belgium, Japan, Australia, and New Zealand.⁶ The Mandates Commission continued its supervisory functions until its last meeting, in December 1939.

➤ *Transition to the UN.* World War II eliminated the League of Nations for all practical purposes, and after the war a counterpart structure had to be designed. The great powers in the Dumbarton Oaks conversations of mid-1944 projected many UN activities, but did not touch the problem of dependent areas. In February 1945, at Yalta, the Big Three agreed to further consultation on this matter prior to the San Francisco Conference and stated that the trusteeship system should be applied to those three categories which were later enumerated in Article 77 of the Charter (see below, p. 479).⁷ The prior con-

⁵ For details on the differences between the types of mandates, see Hall, *op. cit.*, pp. 149-150, 213-255.

⁶ The fact that the mandates were not distributed by the League and that lawyers disagreed as to the agency in which title to them was vested provided Japan's excuse for retaining custody of the Pacific island mandates after its withdrawal from the League in 1933.

⁷ The text of this agreement may be found in *United States and Non-Self-Governing Territories*, p. 53; also in L. M. Goodrich and E. Hambro, *Charter of the United Nations* (World Peace Foundation, Boston, rev. ed., 1949), p. 418.

creation of the Italian trusteeship over Somaliland, in 1950. Article 77 makes the trusteeship system applicable to three types of territories: (a) those which were formerly mandates, as were most of those mentioned above; (b) those taken away from the Axis as a result of World War II, such as Somaliland; and (c) colonies voluntarily placed under the system by their mother countries. There is as yet no example of the last type, and there is not much reason to believe that there will be.¹³

► *Disputed Points in Trust Agreements.* During the 1946 Assembly debate on the trust agreements several divergences of opinion emerged. One of the most significant concerns that marvelously ambiguous phrase in Article 79 which provides that all trust agreements "shall be agreed upon by the states directly concerned," and then approved by the Assembly. But how does one define "states directly concerned"? One answer might be based on geographical propinquity; another might include all former members of the Allied and Associated Powers or of the League of Nations, since most of the areas were originally mandated by those Powers; still another might allow a state to be consulted about an area thousands of miles away, because many of its nationals had emigrated to that area; but no answer could be given with assurance that it was the proper one. The American point of view, which eventually prevailed, was that the "states directly concerned" included only the administering power, although provision was made for consultation with other interested states, which could submit suggestions.¹⁴ The Soviet Union and several other nations wished a broader definition, but they remained in the minority. In practice, there appears to have been fairly wide consultation, but the fact remains that the terms of the trust agreements were virtually dictated by those states which controlled the areas. One thing appeared certain: the trust territory (or mandated area) itself was not a "state directly concerned"; no legal obligation was felt to consult its inhabitants in these matters.

Further issues were raised in debate. The Soviet Union wished to delete the phrase in some agreements which provided that the territories should be administered "as an integral part" of the trustee's empire; it also desired to limit the duration of the agreements to ten years, so that they could be re-examined at the end of that period.¹⁵ India wished the agreements specifically

¹³ A map showing the location of the UN trust territories is found in *1950 UN Yearbook*, p. 979.

¹⁴ For statements of the American position, see Goodrich and Hambro, *op. cit.*, pp. 439-440; *United States and Non-Self-Governing Territories*, pp. 24-25; *World Report*, Nov. 19, 1946, pp. 45-47.

¹⁵ The USSR and its satellites voted against Assembly approval of the agreements on grounds that (1) there was inadequate consultation of the "states directly concerned"; (2) the territories could be administered as an integral part of the administering authority; and (3) the agreements did not allow for Security Council control over local military arrangements. The hostility of the USSR was so intense that it refused until 1948 to send a delegate to occupy its chair at Trusteeship Council meetings.

1947, thus becoming the last of the "main organs" of the UN to commence operations.¹⁰

➤ *Approval of Trust Agreements.* Eight trusteeship agreements were submitted to the Assembly session in late 1946. All were referred to the Fourth (Trusteeship) Committee for study, were reported to and debated by the Assembly, and were finally approved on December 13, 1946. Since by this time all the former "A" mandates had attained independence except Palestine, which was destined to become Israel,¹¹ the Assembly's action had to do only with the erstwhile "B" and "C" mandates, which were transformed into trust territories to be administered as follows:

TRUST TERRITORY	ADMINISTERING AUTHORITY
Togoland	Divided between France and United Kingdom
Cameroons	Divided between France and United Kingdom
Tanganyika	United Kingdom
Ruanda-Urundi	Belgium
Mariana, Caroline, and Marshall Islands	United States
New Guinea, New Ireland, New Britain, Solomon Islands, et al.	Australia
Nauru	Australia
Western Samoa	New Zealand

One further "C" mandate was the former German South West Africa, which had after World War I been assigned to the Union of South Africa; the special problems arising in this connection will be referred to later.

All the above-mentioned trusteeship agreements except those for Nauru and for the Mariana, Caroline, and Marshall Islands were approved by the Assembly and thus went into force in December 1946; the Australian administration of Nauru was approved in November 1947;¹² and the islands allotted to the United States constituted a special case of "strategic areas," which will be discussed shortly. Thus as of late 1947 there were nine regular trusteeships and one strategic-area trusteeship, and so the picture remained until the

¹⁰ The Council elected as its first President Mr. Francis B. Sayre, of the United States; he was a former Assistant Secretary of State and also a former High Commissioner to the Philippine Islands.

¹¹ As a matter of fact, a great deal of work was done in the Assembly and in the Trusteeship Council on plans for a Palestine trusteeship, which, at least for a time, seemed a logical possibility after the British relinquished their mandate over that troubled land, on May 15, 1948. However, this slate was wiped clean by the establishment in 1948 of the independent state of Israel.

¹² The Nauru agreement technically provides for joint administration by Australia, New Zealand, and the United Kingdom, but by agreement among these three, the actual administration is to be managed by Australia, at least for the time being.

application of military sanctions. New Zealand is required to complete an annual questionnaire emanating from the Trusteeship Council. Finally, it is provided that the International Court of Justice shall have jurisdiction to settle any dispute that may arise between New Zealand and any other UN member concerning the interpretation or application of this agreement, if the normal channels of diplomacy have been tried and have shown themselves incapable of reconciling differences of opinion.

➤ *Contrast with League Mandates.* It will be observed that the general tenor of such a document as the one just described is not markedly different from that of the League mandates; yet there are significant variations.¹⁸ For one thing, the League system required the mandatory to prohibit the arms, slave, and liquor traffic, whereas the UN requires only "control." It will also be observed that under the UN regime there is nothing comparable to the League "A" mandates, for which ultimate independence was a stated objective; the UN looks toward a larger measure of self-government as education and political development expand, but there can be a wide margin between self-government and independence. There is no reason to believe that all the areas will ever merit either self-government or independence, because of their backwardness in several respects.

Possibly the major contrast, however, lies in the military use to be made of these quasi-colonial areas. The League attempted to cancel out the mandated territories as far as military usefulness was concerned, through its prohibitions of fortifications and of use of native military manpower for other than local police and defense purposes. The UN approach is diametrically opposed, in that Article 84 of the Charter expressly permits such specifications as are contained in Article 10 of the Western Samoan agreement. Not only may native manpower be used for nonlocal purposes but the Charter places an affirmative obligation upon the administering authority ". . . to ensure that the trust territory shall play its part in the maintenance of international peace and security." Here as elsewhere in the Charter is evidence of the belief that military power is the world's best current guarantee of that elusive thing known as "security."

STRATEGIC-AREA TRUSTEESHIPS

The paragraphs above by no means exhaust the distinctions between League and UN treatment of dependent areas. Another outstanding one is that authorized by Articles 82 and 83: the strategic-area trusteeship. This type of trusteeship differs fundamentally from the type just described, first in that it is frankly designed as a military base and secondly in that, whereas the ordinary trusteeships are placed under the supervision of the Assembly acting

¹⁸ See Sir Robert Holland, "Trusteeship Aspirations," *Foreign Affairs*, Oct. 1946, pp. 118-129.

to stipulate the paramountcy, in colonial administration, of the interests of the native inhabitants. These and other objections were widely appreciated, but they did not prevail; evidently the Assembly feared that the former mandatory would simply state that, since its proposed agreement was not acceptable as submitted, it would be withdrawn and the territory governed as the mandatory saw fit. This was by no means outside the realm of possibility.

THE TRUST AGREEMENTS

➤ *Provisions.* Although the trusteeship agreements are not identical, they have certain features in common. Let us examine a typical one, that of New Zealand for Western Samoa.¹⁶ New Zealand, as the administering authority, is given "full powers of administration, legislation and jurisdiction over the territory, subject to the provisions of this agreement, and of the Charter of the UN. . . ." New Zealand undertakes to administer the area so as to accomplish the general purposes of the trusteeship system set forth in Article 76 (furtherance of peace, general development of the natives, and respect for human rights), and to ". . . promote the development of free political institutions . . .," including a ". . . progressively increasing share in the administrative and other services of the territory. . ." and gradual participation in advisory and legislative bodies. New Zealand is to prohibit slavery, to regulate forced labor closely, and to control the traffics in arms, liquors, and narcotics.¹⁷ In addition, freedom of conscience and worship are provided for, together with the right of missionaries from any UN member to reside and work in Western Samoa. An appropriate educational system is to be maintained, and freedom of speech, press, assembly, and petition are assured.

Furthermore, under Article 10 of the agreement, the administering authority ensures ". . . that the trust territory of Western Samoa shall play its part, in accordance with the Charter of the UN, in maintenance of international peace and security." In order to achieve this end, New Zealand may establish military bases and erect fortifications in Western Samoa, and may recruit and use volunteer armed forces not only for local defense but also to carry out ". . . the obligations toward the Security Council undertaken in this regard by the administering authority . . ."—in other words, it may use these forces in

¹⁶ A good, brief summary of common features of the agreements will be found in Goodrich and Hambro, *op. cit.*, pp. 448-450; also in 1950 *UN Yearbook*, pp. 103-105. The text of the Western Samoan agreement will be found in *Int. Org.*, Feb. 1947, pp. 216-219. See *United States and Non-Self-Governing Territories*, pp. 84-102, for texts of the agreements for Tanganyika, the French Cameroons, and New Guinea. The draft agreement for Nauru is in *Int. Concil.*, No. 425, Nov. 1947, pp. 754-757; several other pertinent documents are found in the same issue.

¹⁷ These guarantees as to traffic in slaves, arms, drugs, and liquor are not specified in most of the other agreements. General guarantees on these subjects continue in effect, however, dating from the General Act of Berlin (1885), the General Act and Declaration of Brussels (1890), and the convention of St. Germain-en-Laye (1919). See *United States and Non-Self-Governing Territories*, p. 2.

we, through the exercise of our veto power in the Security Council, chose to permit. Thus President Truman, after some delay, announced on November 6, 1946, that the policy of the United States was to submit the islands to trusteeship.

➤ *The American Proposal.* In February 1947 the United States formally proposed to the Security Council a draft trust agreement for the formerly Japanese-mandated islands.²⁰ The Charter provision for consultation with states directly concerned was construed most liberally; the "agreement" appears to have been among the State, War, and Navy Departments, rather than between the United States and foreign countries. Our draft was submitted to the other member nations of the Security Council and to the governments of New Zealand and the Philippines, but the President was careful to state that this submission was "for information."

➤ *Consideration of the American Proposal.* The United States assumed a take-it-or-leave-it attitude, as was indicated by statements of the American representative to the Security Council when, in April 1947, that body was examining the agreement article by article. His announced policy was to refrain from voting when the United States did not favor a given proposal made to the Council, and superficially this appeared to be a material concession, since practice had established the principle that an abstention was not to be construed as a veto. However, the American delegate observed, in connection with one abstention, that "On questions such as this, it is perfectly clear—to us anyway—that the United States, where it may be obliged in view of its responsibilities to withdraw the tender of an agreement, should certainly not exercise a veto in the Security Council also." On another occasion he spoke in similar vein: "The United States being a party to the agreement, all I can do is, with the utmost modesty, state that an amendment in the nature of that proposed . . . probably could not be accepted by the United States. . . ."²¹ The essential point emerges clearly from the diplomatic verbiage: "If you try to amend our proposal in a manner unacceptable to us, we will withdraw it and go our own way." Unsurprisingly, in the face of this "vetoless veto," the Council proceeded

²⁰ The text of the draft will be found in *Int. Org.*, Feb. 1947, pp. 219-222; see also *Decade of American Foreign Policy*, pp. 1026-1031. It will be noted that the American agreement dealt only with those islands which had been mandated to Japan. Others, such as the Ryukyus and the Bonins, had long been Japanese; these remained under American military occupation, with their ultimate disposition to be determined by the treaty of peace. The peace treaty of 1951 provided, in Article 2, that Japan renounced all claim to its former League of Nations mandates and acquiesced in the Security Council action which assigned a strategic-area trusteeship over the erstwhile mandates to the United States. Article 3 of the same treaty gave Japan's advance approval to ". . . any proposal of the United States to the UN to place under its trusteeship system, with the United States as the sole administering authority, . . ." the Ryukyu, Bonin, and adjacent islands.

²¹ *United States and Non-Self-Governing Territories*, p. 31; see also Goodrich and Hambro, *op. cit.*, p. 452.

through the Trusteeship Council, it is controlled by the Security Council, in which the Big Five have the veto. Of this type there is as yet but one example—the trusteeship administered by the United States over the formerly Japanese-mandated islands in the western Pacific; but it is noteworthy that in all African trusteeship agreements the administering authorities reserved the right to propose the conversion of these areas into strategic trusteeships at some later date.

➤ *Uncertainty of American Policy.* For a year after the close of World War II, two major schools of thought contended for supremacy over United States policy regarding the Pacific islands which had either been Japanese mandates (such as the Marshalls, Carolines, and Marianas) or had been part of metropolitan Japan (such as Okinawa and the rest of the Ryukyu group). One school, composed primarily of military men, took the position that these islands were legitimate spoils of war, that they had been wrested from the Japanese enemy at great expense in American blood and treasure, and that they (or at least some of them) provided potential naval and air bases of such strategic importance that it would be criminal folly to allow them to pass from American hands. The other group, primarily civilian, without denying the cost and importance of the islands to the United States, took the position that we had officially declared our motive in fighting the war not to be territorial aggrandizement, and that we had assumed at least a moral obligation under the Charter to submit these islands to some form of international supervision;¹⁹ we would, so the argument ran, be guilty of a gross breach of faith, which would be most cynically received elsewhere, if we retained sole domination of the islands.

As a matter of fact there was little need for such debate, since Articles 82 and 83, which had been inserted into the Charter largely at our suggestion, were tailor-made for the situation in which we found ourselves. We could eat our cake and have it too: we could honor our nonaggrandizement pledges and at the same time, thanks to the strategic-area device, allow purely nominal international control, which would be just as searching or as superficial as

¹⁹ In the Atlantic Charter, dated August 14, 1941, Roosevelt and Churchill had declared: "First, their countries seek no aggrandizement, territorial or other; Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the people concerned; Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them. . . ." On October 27, 1945, President Truman had stated that ". . . we do not seek for ourselves one inch of territory in any place in the world. Outside of the right to establish necessary bases for our own protection, we look for nothing which belongs to any other power. . . . We believe that all peoples who are prepared for self-government should be permitted to choose their own form of government by their own freely expressed choice, without interference from any foreign source." *United States and Non-Self-Governing Territories*, p. 44. See also Huntington Gilchrist, "The Japanese Islands: Annexation or Trusteeship?" *Foreign Affairs*, July 1944, pp. 635-642.

Under these arrangements the United States came into control of some 1400 islands with less than 700 square miles of land area, scattered over many thousands of miles of the Pacific. It will continue for the indefinite future to exercise such control as it feels its safety requires over some parts of the islands; as for the nonsecurity aspects of its administration, however, it has made no objection to the Security Council's action of 1948 asking the Trusteeship Council to perform in the Pacific islands its usual inspectorial functions, as envisaged by Article 83(3) of the Charter.²⁵

FUNCTIONS AND TOOLS OF THE TRUSTEESHIP COUNCIL

The basic objectives of the trusteeship system, as laid down in Article 76, are to promote international peace, to further the all-round development of the dependent areas, and to encourage respect for a variety of civil rights. Subject to the over-all direction of the General Assembly, the Trusteeship Council is charged with the responsibility of placing these objectives in actual operation.

Items for the Trusteeship Council's agenda may be proposed by the Assembly, the Security Council, any UN member, or any UN specialized agency. To promote further interchange of ideas it is provided that member states and specialized agencies may be represented at Trusteeship Council meetings. In 1947 a joint committee of the Trusteeship and the Economic and Social Councils was established in order to furnish this liaison. In view of the possible emergence of legal questions, the Assembly in 1947 authorized the Trusteeship Council to request advisory opinions from the International Court of Justice on matters relating to the Council's realm of action.

Council meetings are held regularly twice a year, and special sessions may be called. Each member has one vote, and all decisions are taken by simple majority; there is no veto. The Council elects its own officers, although under Article 98 the Secretary-General acts for the Council in the capacity indicated by his title; furthermore, part of the UN Secretariat is assigned as the Trusteeship Council's staff.

➤ *Questionnaires on Trust Territories.* One means by which the Council may ascertain the efficiency of the administering authorities in fulfilling their trust is to require them to complete questionnaires on their work as authorized by Article 88. At its first session the Council adopted a provisional question-

²⁵ The Trusteeship Council has carried out this request of the Security Council. In July 1949 the United States report on administration of the trust territory was submitted to and examined by the Trusteeship Council, which then reported to the Security Council that American administration in general was excellent but that certain improvements should be made. See *Int. Org.*, Nov. 1949, pp. 693-695, 758-761. A Trusteeship Council mission visited the Pacific islands in the summer of 1950; its report is summarized in *Int. Org.*, Nov. 1950, pp. 658-659.

to approve the agreement; only three amendments were adopted, and they were on insignificant matters in which the United States could easily acquiesce.²²

► *Provisions of the American Trusteeship.* The provisions of the American agreement are in many respects similar to those of the other trusteeship agreements, but there are some important differences. Detailed provision is made for the economic and social advancement of the native population. The United States is expressly authorized to establish naval and military bases in the trust territory, to station forces there, and to recruit native forces; it may discriminate in favor of its own nationals in the administration of the territory; it gives no assurance of any right of air travel over the islands; and, although Articles 87 and 88 of the Charter, providing for international inspection, do apply, the United States may specify certain areas that shall be exempt. The position of the United States is further buttressed by the stipulation that the agreement shall not be altered without the approval of that country; although this provision would appear unnecessary, in view of the well-known veto power, there is no assurance that that power may not someday be modified, and so by this article the United States permanently ensures its unilateral control over the islands.²³ The agreement, although approved by the Security Council on April 2, 1947, did not enter into force until July 18, 1947, that being the date when the President formally approved it in consequence of a congressional joint resolution. It should be observed that the agreement was not between the United States and the formerly mandated islands but between the United States and the UN Security Council.

► *Safeguards of American Security.* Thus did the United States provide for the form of international control and the substance of a closed hunting preserve. Secretary of State George C. Marshall expressed this point deftly in testimony before the Senate Foreign Relations Committee in 1947:

. . . I think the terms of the agreement have been so carefully drafted from the security point of view that there is no doubt in my mind that our security and our responsibility for general security are fully provided for. . . . I think under the terms of this agreement we are not limited at all [so far as the use of these islands for security purposes is concerned]. We must observe forms, but we have provisions in the agreement which allow us almost complete liberty of action.²⁴

²² For these amendments, see *United States and Non-Self-Governing Territories*, pp. 31-32.

²³ Final text of the agreement as adopted is to be found in *Int. Org.*, June 1948, pp. 410-414; also in *Decade of American Foreign Policy*, pp. 1031-1035; see also *ibid.*, pp. 1035-1036, for texts of the documents by which the agreement was put in force.

²⁴ Quoted in Goodrich and Hambro, *op. cit.*, p. 454. The security aspects of the trusteeship were underlined by the fact that the Navy Department was the one charged with the actual administration of the territory. It was not until four years later, on July 1, 1951, that civil administration was transferred by executive order from the Secretary of the Navy to the Secretary of the Interior. See *Department of State Bulletin*, July 16, 1951, p. 106.

of their obtaining a fair hearing by that device. As a matter of fact, many such petitions have already been received and investigated by the Council.²⁹

One persistent and complex problem that has confronted the Council since 1947 concerns the Ewe tribe of West Africa, whose members are found in both the British and French Togoland trusts, as well as in the adjoining British Colony of the Gold Coast and in the French Colony of Dahomey. This quadripartite dispersion has given rise to lengthy and bitter protests by the Ewe leaders who demand unification of their people. The Trusteeship Council has no jurisdiction over the Gold Coast or Dahomey, and it has only limited powers concerning unification or similar mutual problems of British and French Togoland; thus it has found itself in a delicate situation. The ultimate outcome is uncertain, but it is significant that in 1951 the British and French created a Joint Council for the two Togolands and provided for native (Ewe) representation on it to advise the administrators on the development of some solution. This approach was approved by the Trusteeship Council, and in 1952 the General Assembly added its blessing, with the further recommendation that the Council send a special mission to Togoland to investigate on the spot the merits of the dispute. In a sense a problem such as this is minor, but it contains explosive possibilities of native revolt, and it puts to the test the idealistic motives which the administering authorities have proclaimed.³⁰

➤ *Visiting Missions.* The Charter's Article 87(c) authorizes the Trusteeship Council to "provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; . . ." The League had made no provision at all for such visitation; the meaning and worth of this article will be determined less by its wording than by its implementation.³¹ Some tours of inspection have been made already, and they appear to have borne fruit. The mission members do not consider themselves bound to examine only externals of administration, but travel around the countryside and interview natives as well as officials. There has, however, been some criticism that the missions

²⁹ The June 1950 session of the Council had 217 petitions submitted to it, 143 of them having been received by the visiting mission to West Africa. Such was the pressure that the Council in June 1950 created an *ad hoc* Committee on Petitions to undertake a preliminary screening. See *Int. Org.*, Aug. 1950, p. 470. The Trusteeship Council in 1950 examined 361 petitions, a record number; for a list of them, see 1950 *UN Yearbook*, pp. 822-836.

³⁰ In connection with the Ewe problem, see *Int. Org.*, Feb. 1948, pp. 110-111; 1947-48 *UN Yearbook*, pp. 764-767; "Issues Before the Sixth General Assembly," *Int. Concl.*, No. 474, Oct. 1951, pp. 476-481; *Department of State Bulletin*, Aug. 13, 1951, pp. 270-271; and *Roundup of the Sixth Regular Session of the General Assembly*, Press Release GA/855 (mimeographed, UN, Paris, 1952), Part VII, pp. 24-26, for Assembly resolution A/L.41 of January 18, 1952, relative to the Ewe unification problem.

³¹ From 1920 on, numerous proposals were made that missions be sent to mandated territories, and the League Council (not the Mandates Commission) did in fact send several missions for special investigations. See *Int. Concl.*, No. 448, Feb. 1949, pp. 108-110. At San Francisco in 1945 the United States proposed inspections on a broad if not unlimited basis. France and the United Kingdom were opposed, on the ground that investigating bodies might undermine the prestige of the local administration. The present Article 87 was the compromise result.

naire of nearly 250 items supplemented by a statistical appendix, which thoroughly covered matters of political, social, and educational development of the territory, its relation to the maintenance of peace, and its international and regional relations. The League Mandates Commission had used such a questionnaire, but its completion had not been compulsory, as it is in this case. Once the form is completed and submitted, it is analyzed by the Council. When government representatives are in a position of judgment over other representatives of their own or friendly governments, one might suspect that their criticism would not be very intensive. As a matter of fact, indications thus far are to the contrary, and there have been loud complaints by administering authorities that the noncolonial powers are far more critical than they would be if they themselves were saddled with responsibility.²⁶

On several occasions colonial administrators have appeared before the Council to explain their reports and have been rather severely though courteously censured. In the summer of 1948, for example, the Belgian governor of Ruanda-Urundi was present to defend his administration of that territory; the Council indicated its opinion that the Belgian government was remiss in not spending more money for native education, in not providing greater opportunity for native political development, and in not devoting sufficient attention to control of child labor and to abolition of forced labor in payment of taxes.²⁷ At the same session similarly critical remarks were made by the Council regarding the United Kingdom's administration of Tanganyika and Australia's actions in New Guinea.²⁸ Such observations hardly bear the earmarks of a friendly whitewash.

➤ *Petitions from Natives.* To counteract the tendency toward bias that might naturally be expected in administrators' answers to questionnaires, written or oral petitions may be accepted directly from the natives. In the League system such petitions were required to pass through the hands of the mandatory power, which could attach its own comments and defense. The present arrangement, however, permits the natives to complain through the administering authority if they so desire, but it also allows them to send a petition through the UN Secretary-General if they feel that there is greater likelihood

²⁶ An indication of the colonial and noncolonial attitudes is found in a vote taken in March 1950 on an Assembly proposal to invite administering authorities to fly the UN flag over their trust territories; the vote was a tie, and the motion therefore was not carried. In favor of flying the flag were the United States, China, the Dominican Republic, Iraq, and the Philippines; opposed were the United Kingdom, France, Australia, Belgium, and New Zealand. See *Int. Org.*, Aug. 1950, p. 465; *UN Bulletin*, Apr. 15, 1950, pp. 364-365. Three months later, however, the Trusteeship Council reversed itself and recommended to the administering authorities that they fly the UN flag over their trust territories. *Int. Org.*, Aug. 1950, p. 472.

²⁷ The text of the Council's report on Ruanda-Urundi is found in the 1947-48 *UN Yearbook*, pp. 736-741; see also *UN Bulletin*, Mar. 15, 1950, pp. 240-245.

²⁸ *Int. Org.*, Feb. 1949, pp. 130-131; 1947-48 *UN Yearbook*, pp. 742-748, 750-760. For descriptions of other examinations and discussions of annual reports, see *UN Bulletin*, Apr. 15, 1950, pp. 351-355; *Int. Org.*, May 1951, pp. 356-360; *ibid.*, Nov. 1951, pp. 766-775.

➤ *The Case of South West Africa.* The preceding paragraphs may have implied that in the first few years of the Trusteeship Council's existence all went smoothly. Although the organization appears to have gotten off to a good start, one outstanding failure must be recorded. As previously mentioned, after World War I the erstwhile German South West Africa became a "C" mandate and was assigned to the Union of South Africa, which adjoined it to the south; as a "C" mandate the area (now called simply South West Africa) was administered virtually as a colony, and in point of nonlegalistic fact it differed very little from one. At the conclusion of World War II, when other mandatory powers were converting their mandates into trust territories, a discordant note arose from the Union of South Africa, which had been inundated by a wave of extreme nationalism and color consciousness. At the Assembly session of late 1946 the Union repeated an earlier request that it be allowed to incorporate South West Africa into its own territory; this proposal was bulwarked by the results of a referendum conducted among the natives (apparently mainly among the chiefs, who were presumed to reflect rank-and-file desires) which purported to indicate strong native approval of the plan. At the end of considerable debate the Assembly tactfully rejected the proposal and countered with the request that the Union reconsider its position and submit a trusteeship agreement.³⁷

Here was revealed a weakness of the Charter, which provided in Article 77 that "The trusteeship system shall apply to such territories . . . as *may* be placed thereunder by means of trusteeship agreement. . . ." The italicized word is manifestly hortatory; it had to be conceded that there was no legal obligation on the Union of South Africa to turn the mandate into a trust territory.³⁸ Reinforcing this point of view was the wording of Article 77(2): "It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system. . . ."

in *Int. Org.*, May 1950, pp. 199-218. A potential source of irritation to the British, in another instance, was the British Cameroons chieftain known as the Fon of Bikom. A London missionary society complained to the Trusteeship Council that the Fon had some 600 wives, some of them involuntarily in that status. Investigation by British authorities and by the Council's visiting mission to West Africa in 1949 revealed, however, that the Fon had only about 110 wives, and that forty-four of those had been inherited from preceding Fons. The Fon was indignant at UN snooping, maintaining that the wives were free to leave if they wished and that, since by African practice the wives do all the work, the more wives there were in the household the less work each had to do.

³⁷ The text of the Assembly resolution, dated December 14, 1946, will be found in *United States and Non-Self-Governing Territories*, pp. 102-103. A similar resolution was passed on November 1, 1947; see the 1947-48 *UN Yearbook*, pp. 146-147. For events of 1949-1950, see 1950 *UN Yearbook*, pp. 806-822.

³⁸ A contrary attitude was taken by Dr. Liu Chieh, then President of the Trusteeship Council, in *Int. Concil.*, No. 448, Feb. 1949, p. 101, where he argued that the rights and powers of the Union of South Africa " . . . are rights and powers of administration, but not of sovereignty; and furthermore that such rights and powers have been exercised by the Union on behalf of the League of Nations as a sacred trust of civilization. The mandate was and remains an international commitment and cannot be altered or abrogated by the mandatory power acting alone."

have not stayed in the territories long enough to study local conditions thoroughly, and both in 1950 and 1952 the General Assembly recommended that the missions remain longer.³²

In the summer of 1947 an inspecting mission was dispatched to the trust territory of Western Samoa, in order to establish facts on which to judge the validity of a petition from the local natives for a larger measure of self-government.³³ The three members spent two months in the territory, thoroughly investigating the various aspects of the natives' requests; there was every indication that it obtained the views of the natives as well as those of the Europeans and New Zealanders. The mission noted in its report the Samoans' lack of political education and experience, but continued:

Shortcomings such as these point to the conclusion that Samoans are not at the present time capable of assuming, without assistance from the outside, the full responsibility of the government of their country. Even a limited degree of self-government involves risks which are not underestimated by the Mission. But these risks must be taken. The only way to promote education in self-government is to put political responsibility into the hands of the people to a degree where they can learn. Training in self-government can come only through actual experience, sometimes costly.³⁴

Within a few weeks of the visit, the government of New Zealand introduced legislation which to a considerable degree embodied the mission's recommendations. Throughout the episode that government appears to have been as cooperative as possible. This fact, paradoxically, may indicate a correspondingly small degree of influence to be ascribed to the recommendations of the UN mission, since New Zealand was about to institute reforms in any case and therefore little pressure was needed.³⁵ However, it was a happy augury for the system of inspection that this first application took place in a friendly rather than a hostile atmosphere.³⁶

³² See resolution A/L.39, January 18, 1952, in *Roundup of the Sixth Regular Session of the General Assembly*, Part VII, pp. 20-21. On the 1950 resolution, see *1950 UN Yearbook*, pp. 112-113.

³³ See L. S. Finkelstein, "Trusteeship in Action: The UN Mission to Western Samoa," *Int. Org.*, June 1948, pp. 268-282.

³⁴ Important extracts from the mission's report are reprinted in *Int. Concil.*, No. 435, Nov. 1947, pp. 758-775; the quotation above is from p. 767.

³⁵ There is a technical difference between a regular periodic visit and a special investigation; the Western Samoa mission was regarded as being of the latter variety. Regular visits have been made in a definite cycle: in 1948 to the trust territories of East Africa, in 1949 to those of West Africa, in 1950 to those of the Pacific, in 1951 to those of East Africa, and so on. Brief summaries of these missions' reports are carried regularly in *Int. Org.*; more detail is usually available in the *UN Yearbooks*. For example, on the 1948 missions to Ruanda-Urundi and Tanganyika, see *1950 UN Yearbook*, pp. 758-768; on the 1949 visits to the Cameroons and Togolands, see *ibid.*, pp. 699-757; on the 1950 visits to the Pacific territories, consult *UN Bulletin*, Apr. 15, 1950, p. 365, and *Int. Org.*, Nov. 1950, pp. 658-662.

³⁶ On the other hand, the report of the 1948 mission to Tanganyika provoked bitter protests in England; see pp. 208-211 of Annette B. Fox, "UN and Colonial Development,"

mission of political data. Although the information is to be sent in at regular intervals, there is no demand that any specific action be taken on it.

Under these circumstances, the very act of reporting would appear pointless, but in operation it has not been so. The Assembly (to which this information is sent) is authorized by Article 10 to debate any matters within the competence of the UN or affecting the peace of the world, and this provision would presumably be sufficient to allow that agency to make whatever recommendations on the data that it deemed feasible. In addition, the Assembly in December 1946 adopted a resolution that information be submitted by June 30 of each year, that the Secretary-General summarize and analyze it in his annual report, and that it be passed on to the specialized agencies. At the same time the Assembly created an *ad hoc* Committee on Information from Non-Self-Governing Territories, to study the data and to recommend appropriate actions thereon; the Committee's life was extended year by year, and in 1949, over the spirited opposition of the United Kingdom and of other colonial powers, for three years. Somewhat like the Trusteeship Council's membership, the *ad hoc* committee's membership of sixteen is equally divided between those states which submit information under Article 73(e) of Chapter XI and those which have no colonies upon which to report. Also in December 1946 the Assembly called upon those states controlling non-self-governing areas to institute regional conferences of the colonial peoples in order to implement the aspirations expressed in Chapter XI.³⁹ How effective these conferences will be remains to be seen, but a good start appears to have been made in the West Indian and South Pacific Conferences, to which reference will be made later in this chapter.

The United States has complied with the first of these resolutions by transmitting to the Secretary-General copies of the most recent annual reports of the governors of Alaska, Hawaii, Puerto Rico, the Virgin Islands, the Panama Canal Zone, Guam, and Samoa.⁴⁰ Other colonial powers have also sent data, so that as of 1950 the UN was receiving information on seventy-four non-self-governing territories, with populations totaling some 180 million.⁴¹

➤ *Disposition of Italian Colonies.* As previously noted, under Article 77

³⁹ The texts of the resolutions referred to will be found in *United States and Non-Self-Governing Territories*, pp. 103-106; see also 1947-48 *UN Yearbook*, pp. 20, 147-155, 707-724.

⁴⁰ When the Canal Zone report was submitted it drew a protest from the Republic of Panama, on the ground that since the United States did not have full and clear sovereignty over the Canal Zone it should not have submitted information concerning it. This was an echo of the old dispute over the meaning of the clause in the American-Panamanian treaty of 1903 which allows the United States to act in the Canal Zone "as if it were sovereign." See *United States and Non-Self-Governing Territories*, pp. 21, 71-73. Later American reports omitted reference to the Canal Zone.

⁴¹ In this connection, see 1950 *UN Yearbook*, pp. 673-698; the seventy-four colonies are listed in *ibid.*, p. 673. The number of colonies involved has declined somewhat since 1950, for two reasons: a few colonies have become self-governing and are therefore not reported on; and some countries are clearly in revolt against what they consider to be unjustifiable UN supervision, and have ceased transmitting information under Article 73(e).

Through succeeding Assemblies debate went on, with the Union of South Africa refusing to accede to trusteeship requests, although it did at first agree to submit to the UN the same type of annual report that the League mandate had required; on occasion it reiterated that the whole affair was a matter of domestic jurisdiction within the meaning of Article 2(7), and hinted that if pressed too far it might withdraw from the UN. In early 1949 the Union Prime Minister announced the discontinuance of the annual trusteeship reports, and in April of the same year a Union bill became law by which the mandate was in effect terminated and provision was made for "closer integration" of the Union and South West Africa. For all practical purposes it appears that the old mandated area is gone, and that there need be no expectation that its place will be taken by a trust territory. Thus in this instance the UN failed to achieve its objective.

In 1949 the Assembly submitted to the International Court of Justice a request for an advisory opinion in the South African case. This matter will be discussed in more detail in the chapter on the Court; but here it may be noted that the Court entered its opinion that the Union of South Africa did not have the right unilaterally to change the international status of South West Africa, but that the Union was not legally obligated to place the territory under trusteeship. This, however, was only an advisory opinion, and therefore it was without legal binding force; there is no indication that it will alter the situation created *de facto* by the Union of South Africa.

NON-SELF-GOVERNING TERRITORIES

➤ *Chapter XI of the UN Charter.* The preceding pages have referred to those dependent areas and peoples included in the trusteeship system, and not to those areas in outright colonial status. More than ten times as many people inhabit the colonies as live under trusteeship. The Charter's Chapter XI, which has been referred to as an "international charter of colonial administration," deals with this larger group, and does so, it should be noted, through the agency of the General Assembly rather than the Trusteeship Council. Chapter XI does not provide for international scrutiny of administration in the sense that Chapters XII and XIII do, but rather makes a declaration of the rights of subject peoples and sets high standards for the colonial policies of the mother countries. Thus Article 73 requires the colonial powers to recognize that the interests of the inhabitants of their colonies are paramount there; puts the UN members on record as striving to promote the general advancement of the subject peoples, to develop self-government, and to further international peace; and finally pledges them to submit technical information on their colonies to the Secretary-General at regular intervals. The last item comes closest to providing for international supervision; but even here there is nothing like the Trusteeship Council debate or investigation, and no requirement of trans-

limited in two important respects: first, an advisory council with members drawn from Egypt, Colombia, and the Philippines would assist Italy in its administration; and secondly, the trusteeship would terminate in ten years, in 1960, and Somaliland would then become independent. This is the first case in which a trust agreement has definitely required ultimate independence of the territory involved, and in this respect Somaliland is similar to the League "A" mandates. It is also the first case in which a country that is not a member of the UN has become an administering authority, and this circumstance has been productive of considerable difficulty. Italian admission to the UN would have placed Italy on the Trusteeship Council, but a Soviet veto blocked this move. Consequently the Council has worked out a plan by which an Italian representative is permitted to sit with the Council and discuss issues relating to Somaliland or to trust problems in general, but without the right to vote; a similar privilege is afforded the three members of the advisory council. The Trusteeship Council drafted a trusteeship agreement in early 1950, and on April 1, 1950, even before that document was formally approved by the Assembly, the "Territory of Somaliland under Italian Administration" came into being, with the termination of British military occupation.⁴⁴

The third area, Eritrea, was handled as follows: While the British continued in military occupation, a five-member UN commission went to Eritrea to ascertain the desires of the inhabitants. In 1950, after this group's report had been made, the Assembly recommended that Eritrea become "an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown" but with control over its domestic affairs.⁴⁵ A UN Commissioner to assist Eritrea was named, and he proceeded to assist in the drafting of a constitution, which was put into effect in 1952.

These decisions of the Assembly were notable not only because they made a former Axis power an administering authority but more because they represented what was widely heralded as the first truly legislative decision of the Assembly. In other instances, as was noted in the chapter on this agency, the Assembly is commissioned only to make recommendations; but in this case its authority was extended to the taking of actual decisions with binding force.

➤ *Jerusalem, 1949.* The intricate story of Palestine since 1945 is one which the present volume will not attempt to recount. Suffice it to say that literally millions of man-hours in Assembly, Council, Secretariat, and Trusteeship Council have been spent in a search for a peaceful and acceptable solution to the problem of Palestine. All this work was apparently superseded by the

⁴⁴ See *UN Bulletin*, Apr. 15, 1950, p. 347; also *Int. Org.*, May 1950, pp. 293-296, 347-356. The trust agreement was approved by the Assembly on December 2, 1950; see *1950 UN Yearbook*, pp. 797-806, for an account of events and the text of the agreement.

⁴⁵ See *1950 UN Yearbook*, pp. 363-370; *Int. Org.*, Feb. 1951, pp. 97-100; and "Issues Before the Fifth General Assembly," *Int. Concil.*, No. 463, Sept. 1950, pp. 350-355. Ethiopia had long demanded exclusive control over Eritrea as compensation for the Italian Fascist invasion of 1935, and it strenuously objected to allowing Italy a trusteeship over Somaliland.

three types of areas may be placed under trusteeship: those formerly held under League mandate, those detached from the enemy as a result of World War II, and those which may be voluntarily placed under the system by the states responsible for them. Until the latter part of 1949, the only trusteeships were those which belonged to the first class. There is no indication that the third category will come into operation. As to the second, the former Italian colonies furnish, at least for the moment, the sole examples. These are Libya, in North Africa, and Eritrea and Italian Somaliland, in the eastern part of Africa. None of the three has appreciable economic value, but each is strategically significant because of its location on important trade routes and its actual or potential sites for military and naval bases.

The problem of disposing of these colonies was allotted by the Potsdam Conference of 1945 to the Council of Foreign Ministers of Britain, France, the Soviet Union, and the United States. This body agreed that there should be a trusteeship over the areas, but disagreed as to the administering authority. Finally it stipulated that if the Foreign Ministers could not reach unanimity of opinion within one year after the Italian peace treaty had come into force they would submit the problem to the General Assembly and would accept whatever recommendations that body might make. The treaty came into force on September 15, 1947; discussions during the ensuing year were fruitless; therefore, in September 1948 the question was passed on to the Assembly. After some difficulty, the Assembly in November 1949 decided to handle the three former colonies in three different ways.⁴²

The problem of Libya was comparatively simple, since there was general agreement on granting independence. The decision was that Libya's three component parts (Tripolitania, Cyrenaica, and the Fezzan) should be united and that a UN Commissioner should be sent to help set up the new government.⁴³ The ultimate result was that on December 24, 1951, the United Kingdom of Libya was proclaimed—the first state created directly by the UN. Libya promptly applied for UN membership and received one of its first lessons in international politics when its application was vetoed by the Soviet Union.

More complex was the Somaliland issue, but the Assembly settled it by placing the area under Italian trusteeship. This action, which had the advantage of placating the Italians and their considerable bloc of supporters, was

⁴² See *Int. Org.*, Feb. 1950, pp. 59-64, 163-167. A good statement of the conflicting national policies involved in this problem, and of early Assembly action, may be found in Benjamin Rivlin, "The Italian Colonies and the General Assembly," *Int. Org.*, Aug. 1949, pp. 459-470; see also *ibid.*, pp. 471-475.

⁴³ 1950 *UN Yearbook*, pp. 354-362. The USSR had at first demanded that it be given a trusteeship over Libya, and it was decidedly unhappy over the final disposition of that colony, for the same reason that the Western Powers were content with the arrangement: independence for Libya, instead of Russian trusteeship, minimized direct Russian influence over the highly strategic mid-Mediterranean area. Although Italy was not a UN member and thus could not participate in the Assembly debate concerning its erstwhile colonies, its cause was championed by most of the Latin American bloc.

Rico was probably the most crowded place on the globe, and that it afforded only half an acre of arable land per capita. It is usually considered that at least two and one half acres per capita are necessary for proper support of a population.

Because of such revelations, and because many American troops were stationed in British Caribbean bases, the Anglo-American Caribbean Commission was created on March 9, 1942, by joint communiqué of Britain and the United States. The body was to have research and advisory duties, to be devoted to the general end of facilitating individual and joint action in improving housing, education, health, agriculture, and social and economic welfare in the Caribbean possessions of the two powers. In January 1944 announcement was made of the inauguration of a series of West Indian Conferences for the discussion of such problems as those noted above; these conferences were to be composed of delegates not only from the United States and the United Kingdom but also from the colonial governments. The first met at Barbados in March 1944, and it made numerous recommendations for improvement of economic and social services, many of which were approved by the home governments and made bases of their regional economic policies. "This was the first time that two metropolitan governments had jointly formulated economic policy for their overseas territories based on the recommendations of representatives of the territories."⁴⁷

During the war the Anglo-American Commission cooperated with France and the Netherlands, which also had colonial interests in the area, and in 1946 this arrangement was formalized by the signature in Washington of an agreement for a four-power Caribbean Commission. The agreement formally came into effect in 1948, by which time all four nations had officially signified their approval. The Commission's functions remained essentially the same. The agreement's preamble states the purpose of "... promoting scientific, technological, and economic development in the Caribbean area and facilitating the use of resources and concerted treatment of mutual problems, avoiding duplication in the work of existing research agencies, surveying needs, . . . facilitating research on a cooperative basis, and recommending further research. . . ."⁴⁸ All these activities are to be undertaken primarily for the benefit of the fifteen dependencies of the four powers in this region. These

⁴⁷ Charles W. Taussig, "A Four-Power Program in the Caribbean," *Foreign Affairs*, July 1946, pp. 699-710, at p. 704. This is an excellent article on the background and early work of the Caribbean Commission, written by a former chief delegate of the United States. A more recent article on the Commission is also excellent: James A. Bough, "The Caribbean Commission," *Int. Org.*, Nov. 1949, pp. 643-655. The text of the Anglo-American agreement of March 9, 1942, may be found in *United States and Non-Self-Governing Territories*, pp. 63-71. On the Commission in general, see Bernard L. Poole, *The Caribbean Commission* (University of South Carolina Press, 1951).

⁴⁸ The text of this agreement is in *Int. Org.*, Feb. 1947, pp. 251-256; see also *Decade of American Foreign Policy*, pp. 1039-1047.

termination of the British mandate in 1948 and the subsequent birth of the independent state of Israel. The resulting war with Jordan culminated in an uneasy truce, which was reached with the material assistance of the UN mediators, Count Folke Bernadotte and Dr. Ralph Bunche; but the truce did not solve the riddle of Jerusalem. This city, which is holy to three major religions, was divided into sections held by Israelis and Jordanites.

Late in 1949 the Assembly directed the Trusteeship Council to draft a statute for the internationalization of Jerusalem, with that Council itself as the administering authority.⁴⁶ The motivation was clear: if Israel and Jordan could not agree on disposition of the city, then the city should be taken out of their hands and made accessible to everyone. The thought was reasonable, but it overlooked the exceedingly intense mutual hatred of Arab and Jew, both of whom announced in advance that they would have no part of an internationalization project. Since this response was foreseen, and since the UN had no force available by which to impose its will in the matter, the United States and many others voted against the project; but the necessary two-thirds vote was obtained, and the resolution passed the Assembly.

The Trusteeship Council carried through the thankless task of drafting the required statute, but neither Israel nor Jordan was at all impressed with the product. The UN had evidently undertaken an overambitious venture and had been completely unsuccessful.

REGIONAL COMMISSIONS

➤ *The Caribbean Commission.* The problems of non-self-governing colonies should not be dismissed without mention of the Caribbean and South Pacific Commissions. They were not created by and are not responsible to the UN, but their objectives and those of Chapter XI are so similar as to warrant attention here.

After 1935, bloody riots in several British Caribbean colonies indicated that not all was well there, and the home government consequently sent a Royal Commission to investigate. The report was not concluded until the outbreak of World War II, and so serious and alarming were its findings that it was suppressed lest it provide too much propagandist ammunition for the Axis. It revealed abysmally low standards of living, low income, high rates of unemployment resulting from the seasonal nature of the sugar economy, malnutrition, inefficient agricultural production, serious soil erosion, nearly unbelievable housing conditions, high rates of illiteracy and of illegitimacy, and other shocking discoveries. Committees of the American House and Senate made similar investigations into Puerto Rico and the Virgin Islands; their findings likewise were not the kind which the government cared to have the Axis use. The Senate Committee noted, for example, that next to Java, Puerto

⁴⁶ Text in *Int. Org.*, Feb. 1950, pp. 167-168; see also *ibid.*, pp. 64-67.

vigorous action already. Since the basic economic problems in the Caribbean are overpopulation, unemployment, and malnutrition, the Commission has begun studies looking toward greater industrialization and diversification of industry. Its theory is, of course, that a larger population can be supported by an industrial than by an agricultural economy. Preliminary studies have already led to recommendations by a Panel of Experts, established in 1947, for the creation of (a) a Market Research Bureau, for collection and dissemination of data on trade, tariffs, and commodity supply and demand, and (b) an Industrial Research Institute, designed to serve businessmen in much the same way that agricultural colleges and experiment stations serve farmers.⁵⁰ Another possibility for profitable development, it is recognized by the Commission, is the tourist trade. A conference on this subject was held in Brooklyn, New York, in 1946, and after discussion it drafted an agreement on creation of a Caribbean Tourist Development Association. This recommendation was accepted by the Commission, which in 1947 voted to establish such an association.

Attacks are also progressing on the basic problems of agriculture. The economy of the Caribbean islands is largely geared to one crop, sugar, with resultant periodic unemployment and instability. Soil erosion and improper farming practices have dangerously reduced food production, and the Commission and its committees are working on this complex of problems, especially through the Research Council.

It should be reiterated that the Caribbean Commission is not a UN project but one carried on independently by the four powers that set it up. However, the Commission and the Charter's Chapter XI are apparently identical in purpose, as was made explicit by President Truman in 1946, in a message to the West Indian Conference of that year; he stated that it would be the policy of the United States to encourage the application of Chapter XI to the Caribbean area.⁵¹

➤ *The South Pacific Commission.* The reasons for the establishment of the Caribbean Commission are largely duplicated in the South Pacific region, and consequently it is not surprising that a second regional body might be created following the model of the first. Thus there was held a "South Seas Conference" at Canberra, Australia, in 1947, the general aim of which was provision for the improvement of the economic and social welfare of some two million South Pacific peoples. This session culminated in the signature of the agreement establishing the South Pacific Commission.⁵² The states represented were those which cooperate in the Caribbean Commission, plus two others

⁵⁰ See Bough, *op. cit.*, p. 653.

⁵¹ Material on the Commission is conveniently available in the quarterly summaries carried in *Int. Org.*; see also *Department of State Bulletin*, Mar. 3, 1946, pp. 332 ff; *ibid.*, July 23, 1946, pp. 165-166; *ibid.*, Jan. 26, 1947, pp. 158 ff.

⁵² Text of the agreement will be found in *Decade of American Foreign Policy*, pp. 1047-1048.

See also *Department of State Bulletin*, Mar. 16, 1947, p. 459.

are the American territories of Puerto Rico and the Virgin Islands; the United Kingdom's colonies of the Bahamas, Barbados, British Guiana, British Honduras, Jamaica, the Leeward Islands, Trinidad, and the Windward Islands; France's colonies of French Guiana, Guadeloupe, and Martinique; and the Netherlands' colonies of Curaçao and Surinam (Dutch Guiana).

The structure of this organization is not unusual, but in some measure the relationship among its parts is. The typical international union has a conference which is the legislative and constituent authority and is supreme over council and secretariat. In the present case, however, since the conference represents colonial rather than sovereign areas, it is the council or commission that takes charge. On it, under the terms of the 1946 agreement, each of the four powers is represented by a "national section" of not more than four members, plus advisers and alternates. But, although this body has supervisory control over the other agencies, it is itself only consultative and advisory to the four metropolitan powers and to their colonial administrations.⁴⁹

The Research Council is in the nature of a holding company which under the general supervision of the Commission creates and directs research committees which come to grips with individual problems, such as housing, education, soil erosion, and tourist promotion. The Council may undertake research on its own initiative, but the agreement clearly anticipates that it will be expected in general to act as a coordinator rather than as a direct researcher. It has been in operation since late 1947.

The West Indian Conference, which meets biennially, is composed of two delegates from each of the fifteen territories. It is to be noted that its membership, unlike that of the UN Trusteeship Council, for example, is drawn from the colonial areas themselves, and not from the imperial governments. Although a representative body, its functions are by no means legislative; rather, they are limited to consultation, discussion, and recommendation to the Commission on those subjects in which the whole organization is concerned. The Conference's recommendations are adopted by a two-thirds majority of those present and voting.

A central secretariat has been established by the Commission, and it performs the duties common to such bodies. It is under the immediate supervision of this Secretary-General. Its officials have diplomatic immunity, and like their counterparts in the UN Secretariat they are not to seek or follow instructions from any government or organization external to the Commission. The headquarters offices have been established at Port-of-Spain, Trinidad, British West Indies.

The organization is young and is only advisory, yet it has swung into

⁴⁹ The Commission approves the budget prepared by the Secretary-General. Expenses are shared in the following proportions: United States, 38.4 percent; United Kingdom, 34.3 percent; France, 16 percent; the Netherlands, 11.3 percent. See Bough, *op. cit.*, p. 650. The 1950 budget was \$318,000.

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with outstanding territorial interests in the Pacific: Australia and New Zealand. The latter two had anticipated the South Pacific Commission by their Canberra Pact of 1944.

Since the South Pacific Commission is virtually a carbon copy of the earlier organization, there is no need to detail its administrative machinery. There are seventeen colonial areas, including some 2,500,000 people, which are entitled to send delegates to the Conference. They are, for Australia, Papua, Nauru, and the New Guinea trust territory; for France, New Caledonia, French Oceania, and the New Hebrides; for the Netherlands, Dutch New Guinea; for New Zealand, Western Samoa and the Tokelau and Cook Islands; for the United Kingdom, the British Solomon Islands Protectorate and the Fiji, Gilbert, and Ellice Islands; and for the United States, American Samoa, Guam, and the Trust Territory of the Pacific Islands.⁵³ Noumea, New Caledonia, has been chosen as the Commission's headquarters, and the Secretariat has been established there. The first South Pacific Conference was held at Suva, Fiji Islands, in 1950.

When the South Pacific Commission was first established it adopted a lengthy list of projects to be accomplished, including many so involved that years would have been consumed in working them out. For example, a biological survey was proposed of the whole area covered by the Commission—that area which lies south of the equator and east of Dutch New Guinea. Another proposal called for “a study of the relationship between plants and their environment including soils and climate,” and a third called for “an economic survey to include native industries, native fisheries, native trading systems and native cooperative movements and organizations.”⁵⁴

These grandiose plans have been materially toned down in recent years and the projects reduced to manageable proportions. It has been recognized that, desirable though such proposals may be, an order of priority must be established, and that the highest items on the list must be those which can be practically dealt with and disposed of in the near future. Thus, for example, the South Pacific Commission at its second session, late in 1948, called for an early study of the preservation of fish and their transport from plentifully stocked areas to areas of scarcity; it also endorsed such activities as the following: collection of information on sea and air transport services, study of the mechanization of the copra industry, and research into health problems. These are still large orders, but they do not undertake to reconstruct the region overnight.

⁵³ Guam and the American Pacific Trust Territory were not included when the Commission was set up in 1947, but were added by special agreement of November 7, 1951. See *Department of State Bulletin*, Dec. 24, 1951, pp. 1038-1039.

⁵⁴ This list of projects was in the nature of an appendix to the organic agreement of 1947, the text of which is found in *Int. Org.*, June 1947, pp. 419-428. Periodic summaries in the same journal present up-to-date information on the organization's functioning.

Like the Caribbean Commission, its South Pacific counterpart is not directly affiliated with the UN, but the basic agreements of both bodies anticipate cooperation with the UN's specialized agencies in all appropriate circumstances. Liaison with at least some of these agencies has already been established.

SUMMARY

The present chapter has considered the administration of the affairs of dependent peoples in three distinct categories: (1) the UN trusteeships, which are directly under the jurisdiction of the Trusteeship Council and therefore indirectly under that of the General Assembly; (2) the non-self-governing areas or outright colonies administered by the imperial powers, which, under Chapter XI of the Charter, bear the responsibility for the submission of annual informational reports to the General Assembly; and (3) the regional associations, which are in no sense a part of the UN organization, but the purposes of which are so closely allied to those of the UN system as to justify their consideration in the present connection. All in all, it appears that in the mid-twentieth century, more than ever before, there is a deep feeling, as well as some measure of enforcement, of responsibility for the welfare of dependent peoples.

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Since the South Pacific Commission is virtually a carbon copy of the earlier organization, there is no need to detail its administrative machinery. There are seventeen colonial areas, including some 2,500,000 people, which are entitled to send delegates to the Conference. They are, for Australia, Papua, Nauru, and the New Guinea trust territory; for France, New Caledonia, French Oceania, and the New Hebrides; for the Netherlands, Dutch New Guinea; for New Zealand, Western Samoa and the Tokelau and Cook Islands; for the United Kingdom, the British Solomon Islands Protectorate and the Fiji, Gilbert, and Ellice Islands; and for the United States, American Samoa, Guam, and the Trust Territory of the Pacific Islands.⁵³ Noumea, New Caledonia, has been chosen as the Commission's headquarters, and the Secretariat has been established there. The first South Pacific Conference was held at Suva, Fiji Islands, in 1950.

When the South Pacific Commission was first established it adopted a lengthy list of projects to be accomplished, including many so involved that years would have been consumed in working them out. For example, a biological survey was proposed of the whole area covered by the Commission—that area which lies south of the equator and east of Dutch New Guinea. Another proposal called for “a study of the relationship between plants and their environment including soils and climate,” and a third called for “an economic survey to include native industries, native fisheries, native trading systems and native cooperative movements and organizations.”⁵⁴

These grandiose plans have been materially toned down in recent years and the projects reduced to manageable proportions. It has been recognized that, desirable though such proposals may be, an order of priority must be established, and that the highest items on the list must be those which can be practically dealt with and disposed of in the near future. Thus, for example, the South Pacific Commission at its second session, late in 1948, called for an early study of the preservation of fish and their transport from plentifully stocked areas to areas of scarcity; it also endorsed such activities as the following: collection of information on sea and air transport services, study of the mechanization of the copra industry, and research into health problems. These are still large orders, but they do not undertake to reconstruct the region overnight.

⁵³ Guam and the American Pacific Trust Territory were not included when the Commission was set up in 1947, but were added by special agreement of November 7, 1951. See *Department of State Bulletin*, Dec. 24, 1951, pp. 1038-1039.

⁵⁴ This list of projects was in the nature of an appendix to the organic agreement of 1947, the text of which is found in *Int. Org.*, June 1947, pp. 419-428. Periodic summaries in the same journal present up-to-date information on the organization's functioning.

cally the same as that which led to the creation of the Economic and Social Council by the San Francisco Conference of 1945. The most important thing to be noted at this point is the continuity of thought, if not of machinery, from the days of the League to those of the UN.

PURPOSES

➤ *UN Charter Provisions.* The League Covenant had been brief and vague insofar as social and economic matters were concerned, contenting itself with a general affirmation, in Article 23, that member states would endeavor to protect the rights of women and children, to control the traffic in arms and in narcotics, and to protect one another from the spread of diseases. No separate administering agency was created. By contrast, the UN Charter is relatively verbose, although those chapters which deal with these affairs seem disproportionately short when one considers the range and complexity of the problems involved. Under the pertinent chapters (IX and X) the members of the UN undertake the responsibility of joint and separate action for the promotion of higher standards of living, full employment, solution of social, economic, health, cultural, and educational problems, and universal respect for human rights and fundamental freedoms. This is a large order and a somewhat vague one. These sections also provide for the organization of the Economic and Social Council. It is noteworthy that interest in economic and social matters pervades much of the Charter, and that cooperation in such affairs is elsewhere specified as a purpose of the whole United Nations. In the Preamble the "peoples of the United Nations" record their determination "to employ international machinery for the promotion of the economic and social advancement of all peoples . . .," and in the first article of the Charter proper they set forth one of the organization's purposes as the achievement of ". . . international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. . . ."

➤ *Economics and Peace.* Of basic importance is the Charter's recognition, explicitly in Article 55 and tacitly elsewhere, of the fundamental fact of international life that there can be no enduring peace without a sound underpinning of national social and economic security. To state the case over simply: depressions and low standards of living beget desperate people who beget extremist governments which beget wars. A more accurate statement was that of Trygve Lie to the first New York session of the Economic and Social Council, in 1946; he said that states ". . . have recognized the fact that misery is one of the fundamental causes of war and that their ultimate success in preventing war will depend upon their ability to spread material and social

THE ECONOMIC AND SOCIAL COUNCIL

WHATEVER MAY HAVE BEEN the weaknesses and shortcomings of the League of Nations in the sphere of political activity, and they were surely many, there is general agreement that its efforts to provide a better social and economic world were in brilliant contrast. Several agencies, either as parts of the League machinery or as external bodies cooperating closely with the League, established excellent records in such matters as control of the traffic in women and children, international promotion of the welfare of the laboring man, control of the traffic in narcotic drugs, promotion of public-health services, and prediction and control of the course of epidemics.¹ It has long been evident that nations, in spite of perennial insistence upon defending their fetish of sovereignty, can and do collaborate in technical matters in which mutual advantage is apparent. The problem hitherto unsolved is that of making the advantages of political cooperation equally apparent.

One of the general weaknesses of League organization was its concentration of powers in the hands of the Council alone. This mistake was brought out by the experience of the 1920's and 1930's, and it was not made in the UN Charter. Near what proved to be the end of the League experience the Council appointed a committee, known as the Bruce Committee, to examine the social and economic workings of the League and to make recommendations for reorganization. In the summer of 1939 this committee submitted its report, which suggested the creation by the Assembly of a "Central Committee for Economic and Social Questions," under whose authority and guidance all the League functions included within the scope of the title would be centralized.² Although the Assembly took favorable action on this recommendation and set wheels in motion for implementing it, the wheels were immobilized by the outbreak of World War II, and the whole plan came to naught. However, it will shortly become clear that the thinking behind the Bruce report was basi-

¹ These and similar features of the League experience are described by the actual participants in H. E. Davis, ed., *Pioneers in World Order* (Columbia University Press, 1944).

² See Herman Finer, *The UN Economic and Social Council* (World Peace Foundation, Boston, 1946), pp. 79-83; also L. M. Goodrich and E. Hambro, *Charter of the United Nations* (World Peace Foundation, Boston, rev. ed., 1949), pp. 365-366.

recommendations to it. At least in its first few years, ECOSOC tended to be an executive rather than an initiating or policy-determining body. It is also to be noted that there are no constitutionally permanent members of ECOSOC: the Big Five, whose privileged position is guaranteed to them on the Security Council, have no Charter assurance that they will always, or indeed ever, be members of ECOSOC. It may be assumed, however, that, the practical realities of international politics being what they are, the Big Five will always pull the strings necessary to ensure their election; but this will be a matter of politics rather than of UN constitutional law.⁶

➤ *Recommendations.* The average man, accustomed as he is to the functioning of national legislatures, is likely to anticipate a similar scene on the international level. He is prepared to listen to debate, perhaps long-winded and perhaps strained through two or three interpreters, but he expects that ultimately there will be an end to the talk, a vote will be taken, and a piece of legislation backed by governmental sanction will be the outcome. If an agency such as ECOSOC does not perform in this fashion, he is apt to lose faith and interest in it. It is, however, illusory to expect that ECOSOC or any similar agency can now or will in the foreseeable future be able to operate in this manner. ECOSOC, like the General Assembly, can deliberate and recommend, but it cannot force action. Consequently, the fact that votes are taken by simple majority loses much of the significance that would otherwise attach to it. An ECOSOC vote is not a decision to take action; it is a decision to recommend. Therefore, whatever achievements ECOSOC may be able to boast of will be achievements of diplomacy, and not of legislation as that word is domestically understood. Thus one must resign himself to a realization that results will be slow in coming; such a procedure as that of ECOSOC is that of the tortoise rather than that of the hare. Figures compiled by the Secretariat show that compliance with ECOSOC requests and recommendations has tended to be fairly poor on the controversial items, and this has been a matter of grave concern to the Assembly and ECOSOC.⁷

➤ *Supervisory Functions.* From one point of view it appears preposterous that a single agency might undertake the herculean task of raising the world's levels of economic and social conduct. Yet in the long run this is the task of ECOSOC, its commissions, and the specialized agencies. An initial tendency of the Council to ride off in numerous directions at once has been curbed, and its members have come to restrict the number of their projects and to select those projects with caution and a view to the immediate possibilities of demonstrable achievement. However, despite this modest approach the job confronting ECOSOC has implications so far-reaching as to stagger

⁶ Int. Org. annually prints a convenient listing of the member states of ECOSOC and of its various commissions. The list for 1952 is found in the Feb. 1952 issue, pp. 51-54. Similar lists are printed in the *UN Yearbooks*.

⁷ See the *New York Times*, July 24, 1949, p. 8; also 1948-49 *UN Yearbook*, pp. 714-718.

well-being wherever people live.”³ Article 55 of the Charter therefore logically proposes, as a means of maintaining international peace and stability, that the UN promote “. . . higher standards of living, full employment, . . . solutions of international economic, social, health and related problems; and international cultural and educational cooperation . . .” Responsibility for the discharge of these and other allied functions is vested in the Economic and Social Council, operating under the General Assembly.

ORGANIZATION AND FUNCTIONS

➤ *Election and Duties.* The Economic and Social Council (ECOSOC), under Chapter X of the Charter, is to consist of eighteen UN member states chosen by the General Assembly by a two-thirds vote; terms are staggered so that six members are elected annually to serve for three years; they may be immediately re-elected. Each member state designates one representative to participate in meetings. Upon ECOSOC is laid not only the duty of seeking solutions to international economic and social problems but also the right (under Article 62) to “. . . make or initiate studies and reports with respect to international economic, social, cultural, education, health and related matters . . .”; furthermore, it may make recommendations concerning these matters to the General Assembly, to UN members, and to the specialized agencies; it may call international conferences, and it may submit draft conventions.⁴ It has still other functions in connection with the “specialized agencies,” to which detailed reference will be made later. Each member has one vote, and decisions are taken by a simple majority of those present and voting. There is no Big Five veto. ECOSOC elects its own officers and adopts its own agenda and rules of procedure.⁵

It is to be remembered that the Economic and Social Council, like the Trusteeship Council, although listed as one of the six principal organs of the UN, is subordinate to the General Assembly; this fact is made clear by Articles 60, 61, and 66, among others. The Council is elected by the Assembly, takes orders from it, reports to it, gets its money from it, and makes studies for and

³ See AP newspaper dispatches dated May 25, 1946. See also, in this connection, that part of “The Economic Organization of Peace,” by Eugene Staley, which is reprinted in Norman Hill, *International Relations: Documents and Readings* (Oxford University Press, 1950), pp. 372-375.

⁴ For example, ECOSOC sponsored a “UN Scientific Conference on the Conservation and Utilization of Resources” at Lake Success in August-September 1949; 640 expert delegates from fifty states were present to exchange information on techniques of conservation and utilization of natural resources. See 1948-49 *UN Yearbook*, pp. 481-482; also Carter Goodrich, “The UN Conference on Resources,” *Int. Org.*, Feb. 1951, pp. 48-60.

⁵ For typical agenda, see the summary of the fifty-one items on the agenda of the eleventh session of ECOSOC, in July 1950, in *UN Bulletin*, June 15, 1950, pp. 526-527. Members of the UN which are not members of ECOSOC may participate without vote in proceedings of interest to them, and a similar privilege is extended on a reciprocal basis to the specialized agencies. The rules of procedure, as revised in 1949, are reprinted in 1948-49 *UN Yearbook*, pp. 126-132.

others, such as the International Refugee Organization and the International Trade Organization, are clearly children of the UN. There is, as will be detailed later, a considerable variation in the degree of ECOSOC supervision of these agencies.

All the members of these three groups, acting individually and collectively, form the arms and legs, ears and eyes by means of which the Economic and Social Council functions. ECOSOC does relatively little directly; rather it operates through these bodies. Instead of being an operating agency itself, it is a "roof organization" under which many others are brought together. It is appropriate that attention be devoted to the rooms under the roof.

THE FUNCTIONAL COMMISSIONS

► *Organization.* ECOSOC has eight functional commissions in operation, all of them set up on the same general pattern. Each is a fairly small body, consisting of twelve to eighteen members, elected by ECOSOC for terms usually three years in duration. In most cases states rather than private individuals are the commission members; this may be an unfortunate arrangement, in that it tends to make these bodies assemblies of diplomatic representatives rather than groups of men who are experts in their own right in technical matters.¹⁰ Some of the commissions have established subcommissions, but there is no uniformity of practice in this regard. In general, each commission combines the functions of a standing committee and of an investigating committee in an American representative body. Although it is still too early to generalize, there appears to be an excellent possibility that these commissions may develop into extremely useful agencies of research and of coordination of national policies. Consequently, each one will be examined briefly.¹¹

► *The Economic, Employment and Development Commission.* By action taken in 1951, ECOSOC discontinued the Economic, Employment, and Development Commission and distributed its functions among other agencies;

¹⁰ The phrase is Prof. Herman Finer's; see his *The UN Economic and Social Council*, p. 11. Good illustrations of the range of subjects considered by ECOSOC are afforded by summaries of the discussions of a given session; see, for example, 1950 *UN Yearbook*, pp. 57-100, 438-673, wherein are recounted the actions of ECOSOC and of its numerous commissions. For a summary listing of projects under way in the UN Secretariat in connection with ECOSOC's interests, see the UN Department of Economic Affairs' *Directory of Economic and Statistical Projects*, UN Sales No. 1948.II.D.1 (UN, Lake Success, 1948), and the same Department's *Catalogue of Economic and Social Projects*, UN Sales No. 1949-II.D.1 (UN, Lake Success, 1949).

¹¹ See A. Loveday, "An Unfortunate Decision," *Int. Org.*, June 1947, pp. 279-290. The Dumbarton Oaks Proposals suggested that the commissions should consist of individual experts; see the Proposals, Chapter IX, sec. D(1). See also Finer, *op. cit.*, p. 72.

¹² Material on these commissions is somewhat diffuse. For one who wishes something more than the rudimentary survey to be given below, the following bibliographical recommendations are made: the reports and other publications of the commissions themselves; the summaries of their activities in the *UN Bulletins*, the *UN Yearbooks*, and *International Organization*; and the UN Department of Public Information's *Everyman's United Nations* (Funk and Wagnalls, 1948), which presents a succinct survey on pp. 74-112.

the imagination. Supervising a dozen or so specialized agencies with their manifold operations would be a large undertaking for a full-time agency, and ECOSOC comes into regular session only twice a year for four to eight weeks at a time. One cannot, therefore, expect it to do more than provide general coordination and supervision of its numerous agencies. Important day-to-day coordination must be supplied by the national governments in their instructions to their representatives in the various agencies and commissions; for it often happens that instructions to one representative are incompatible with those to his national confrere in another UN body.

➤ *Outside Advice to ECOSOC.* Since 1946, procedures have been developed under Article 71 of the Charter whereby ECOSOC can avail itself of the advice of certain approved nongovernmental organizations. The Council places such a private organization on an approved list for consultative purposes if that organization's interests coincide with one or more aspects of ECOSOC's jurisdiction and if it represents and is entitled to speak for a substantial proportion of those peoples organized into such groups. There are as a matter of fact some dozens of organizations with recognized consultative status: associations of trade unions, chambers of commerce, service clubs, and many others. They are grouped by ECOSOC into various categories, depending upon the breadth of their interests as compared with ECOSOC's, and granted varying degrees of privileges vis-à-vis Council meetings.⁸

➤ *Agencies Coordinated by ECOSOC.* Three types of agencies come within the sphere of coordinating action of ECOSOC. The first two arise out of the Charter's Article 68, which directs ECOSOC to "... set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions." From this authorization came such commissions as those on human rights, the status of women, narcotic drugs, and fiscal, social, and population matters. Besides these commissions, which are organized functionally, there is a second type, organized geographically: the economic commissions for Europe, for Latin America, and for Asia and the Far East. All commissions in these two groups have been organized and are more or less closely supervised by ECOSOC. This cannot be said, however, of the third group, the so-called "specialized agencies" which are brought into relationship with the UN through agreements negotiated with them by ECOSOC and approved by the Assembly. Some of these agencies, such as the Universal Postal Union, are old-line, well-established international bodies; the UPU celebrated its diamond anniversary in 1950. Others, such as the International Labor Organization and the World Health Organization, have their roots in post-World-War-I experience. Still

⁸ See 1946-47 *UN Yearbook*, pp. 551-555; 1947-48 *UN Yearbook*, p. 694; 1948-49 *UN Yearbook*, pp. 707-714; 1950 *UN Yearbook*, pp. 666-667; *Int. Org.*, Nov. 1950, p. 654; *UN Bulletin*, Apr. 15, 1950, pp. 370-371; *ibid.*, Aug. 15, 1950, p. 166.

ticularly with consideration of an international bill of rights, with declarations on civil liberties and freedom of information, with protection of minorities in general, and with prevention of discrimination based on race, sex, language, or religion.

The Commission has set itself the task of drafting an International Bill of Human Rights, which will ultimately consist of three parts: a Universal Declaration of Human Rights, an International Covenant of Human Rights, and Measures for Implementation. The first of these, which is already in effect, differs from the second in that as a simple declaration it serves (in the words of its preamble) the function of establishing a "standard of achievement for all peoples and all nations," whereas the Covenant is to be a binding treaty stating in precise legal form the obligations assumed by the signatory states. The first is exhortation; the second is to be legislation.

Because the Declaration of Human Rights is a statement of political ideals which imposes no legal restrictions, it was much easier to draft than the Covenant. It begins with a somewhat high-flown preamble, then states that all men are born free and equal in rights; that all have rights to life, freedom from slavery, equality before the law, fair trials, ownership of property, freedom of expression, assembly, and education, rest and leisure; and that "everyone has duties to the community." After many sessions the Commission finally succeeded in working out a draft that was ultimately approved by ECOSOC and then, in December 1948, was adopted by the General Assembly; acceptance was unanimous, with the Soviet bloc abstaining from voting.¹³ Since this was a declaration rather than a treaty, no ratification by member states was required.

The Declaration began almost at once to achieve some measure of practical effect. It has been translated into and printed in thirty-six languages, and its contents have been publicized by press, film, and radio. Numerous resolutions of the General Assembly, as well as of other UN bodies, have quoted it as an ideal to be attained in various applications. Courts of several countries have cited it approvingly in their opinions, although since it is a declaration and not a treaty it can scarcely be expected to be the foundation of actual decisions. In California a lower court in 1950 even declared unconstitutional a state law forbidding land ownership by aliens ineligible to citizenship.

¹³ The background of the development of the Declaration may be found in the 1948-49 UN Yearbook, pp. 524-543; the text as finally approved is in *ibid.*, pp. 535-537, and in *Int. Org.*, Feb. 1949, pp. 202-206. Other documents showing its evolution are in Hill, *op. cit.*, pp. 460-473. On the first anniversary of the Assembly's approval of the Declaration, a special concert was given by the Boston Symphony Orchestra in Carnegie Hall, New York City. There were speeches by Mrs. Roosevelt, Trygve Lie, and Assembly President Carlos Rómulo, and "the noted British actor, Sir Laurence Olivier, flew to New York from London especially to read the preambles to the Universal Declaration of Human Rights and the UN Charter, the latter set to music by the American composer, Aaron Copland." *Newsletter of the American Association for the United Nations*, Jan. 1950, p. 4.

but from 1946 until 1951 this group advised the parent Council on economic questions in general, and in particular on restriction of the wide fluctuations of the business cycle through coordination of national policies aimed at full employment and a high level of prosperity. In 1950, for example, its discussions centered in the possibilities of maintaining a high level of employment through plans for public works to be carried out in depression times, through maintenance of price stability, through increase of international trade by means of tariff reductions, and through increase in the flow of international investments, especially in the underdeveloped areas.¹² It was also charged with consideration of the problems of reconstruction of war-devastated areas and with promotion of national economic development, especially in countries which are economically backward.

➤ *The Fiscal Commission.* The terms of reference of the Fiscal Commission call upon it to study and advise ECOSOC in the general field of public finance, and to advise both ECOSOC and other commissions, either on its own initiative or at their request, on the fiscal implications of whatever matters they may have under review. For example, it has promoted a series of bilateral treaties for the avoidance of double taxation. It has worked in close conjunction with the Fiscal Division of the Secretariat, which at the Fiscal Commission's request has compiled and published material of interest to students and practitioners of public finance. Publications of the Fiscal Division include some on fiscal legislation and administration in member states; a volume issued in 1948 entitled *Public Debt 1914-1946*, which represents a continuation of a League of Nations project and which furnishes debt data for more than fifty states during the period indicated; and a volume making generally available the texts of more than 100 international agreements for the prevention of tax evasion and of double taxation. The Fiscal Division has also given direct assistance to member states in the form of expert advice; it advised Venezuela in 1947, for example, on a reform of that country's budgetary and other fiscal practices.

➤ *The Commission on Human Rights.* The Commission on Human Rights has held especial interest for Americans, not only because it has dealt with bills of rights but also because at its first meeting, in 1947, it elected Mrs. Franklin D. Roosevelt as its chairman, and she held the post for four years. This agency is charged, under ECOSOC resolution, with studying and advising ECOSOC on any matter concerning human rights; but it is concerned par-

¹² See *Int. Org.*, May 1950, pp. 275-277. Although President Truman's "Point Four" proposal in his 1949 inaugural address caused much comment, something very similar to it had been foreshadowed in 1946 and 1947 by instructions which ECOSOC gave to the Economic, Employment, and Development Commission. See E. R. Henson, "Technical Assistance for Economic Development," in Clyde Eagleton, ed., *1949 Annual Review of United Nations Affairs* (New York University Press, 1950), pp. 217-231. In the following chapter of the present volume will be found a brief consideration of the Technical Assistance Program.

In December 1946 the Assembly resolved that genocide was a crime under international law, and it requested ECOSOC to make the necessary background studies looking toward a draft convention on the subject. The task was assigned to the Commission on Human Rights, and in due course a Convention on Genocide was proposed to the Assembly and unanimously approved by it in 1948. In general the Convention provides for the outlawry of genocide, which is defined as the international crime of killing or harming mass national, ethnic, or religious groups of human beings with intent to destroy the whole group. Although at a casual glance there would appear to be no objection to declaring the illegality of mass murder, the Convention has aroused the concerted ire of many Americans, especially lawyers, who have objected that more time was needed for the study of so revolutionary an innovation, that it would interfere with the domestic jurisdiction of the American states, and that it would conflict with Southern racial-segregation legislation. Considerably more to the point is the reaction of those who maintain simply that the Convention is an empty shell that will accomplish little or nothing and is essentially unenforceable. However that may be, the twenty ratifications necessary to bring it into force were achieved in time to allow it to take effect in January 1951.¹⁷

In 1946 ECOSOC requested the Secretary-General to arrange for the compilation of a Yearbook on Human Rights, and in 1948 the first volume was presented to the Council. It includes constitutional provisions of the various nations on human rights, coupled with court decisions and essays by qualified jurists on the current status of civil liberties in their respective states.

At its first session the Commission on Human Rights exercised the privilege offered it by ECOSOC and created a "Sub-Commission on Freedom of Information and of the Press." The Sub-Commission was given the duty of determining precisely what practices and rights should properly be included within the concept of freedom of information. The upshot of lengthy discussions was the calling by ECOSOC of a UN Conference on Freedom of Information, which met at Geneva in 1948. Three documents were drafted by this conference. The first is a Draft Convention on the Gathering and International Transmission of News, which attempts to limit the degree of censorship imposed on news correspondents and to permit them maximum freedom of movement in foreign countries. The second is a Draft Convention on the

Part V, pp. 11-16. See also "Issues Before the Sixth General Assembly," *Int. Concil.*, No. 474, Oct. 1951, pp. 451-456; and "UN Works on Two Human Rights Pacts," *New York Times*, Apr. 20, 1952, p. 6E.

¹⁷ The text of the Convention is available in *Int. Org.*, Feb. 1949, pp. 206-209; and in 1948-49 *UN Yearbook*, pp. 959-960. France was the only one of the Big Five to ratify the Convention prior to its entry into force. Many legalistic objections to American ratification, as raised by several prominent members and officials of the American Bar Association, are answered by the letter of A. A. Berle, Jr., to the editor of the *New York Times*, July 2, 1950, p. 6E. Thirty-eight countries had ratified the convention by mid-1952.

alleging conflict between the law and the UN Charter and the Declaration. This, however, was manifestly going too far, and the state supreme court, although agreeing that the statute was unconstitutional, based its decision upon the sounder ground of the fourteenth amendment to the federal constitution. The 1950 trusteeship agreement for Italian administration of Somaliland includes the Declaration's provisions, as do also, to a greater or less extent, the new constitutions of several states, including Israel, Indonesia, Costa Rica, Syria, El Salvador, and Haiti.¹⁴ No one expects human rights suddenly to be perfectly protected as a result of any one document or action, but one can say that the Declaration came early to have considerable influence on political thinking around the world.

A Draft Covenant of Human Rights was completed by the Commission in 1950, but after consideration by ECOSOC and the General Assembly it was referred back to the Commission by the Assembly for revision. There was division of opinion on two main points: (1) Should the Covenant contain a "federal clause," under which a federal state that ratified the treaty would merely agree that it would carry out the obligations insofar as its share of federal-provincial powers permitted? It was alleged that thereby such states might escape the obligations assumed by unitary states. (2) The draft provided for civil and political rights, but contained nothing on economic, cultural, and social rights, such as the rights to work, adequate housing, social security, health, and education. The Assembly thought this a serious lack.¹⁵ Further consideration by ECOSOC and by the Commission on Human Rights merely confirmed their original position (which had been supported by the United States) that the federal clause was necessary if federal states were to be induced to ratify the treaty, that economic and social "rights" were possibly not legal rights at all and in any case were substantially undefinable and unenforceable, and that it would be preferable to embody economic and social rights in one convention and civil and political rights in another. Reconsideration by the sixth Assembly converted the majority of that body to this point of view, and the Commission therefore set about the very delicate task of drafting a separate covenant of social and economic rights.¹⁶

¹⁴ See the UN Department of Social Affairs, *The Impact of the Universal Declaration of Human Rights*, UN Sales No. 1951.XIV.3 (UN, New York, 1951), especially pp. 9-13, 20-32.

¹⁵ See "Issues Before the Fifth General Assembly," *Int. Concil.*, No. 463, Sept. 1950, pp. 388-391; *UN Bulletin*, Sept. 1, 1950, pp. 213-214; *ibid.*, Nov. 15, 1950, pp. 525-527; *ibid.*, Dec. 15, 1950, pp. 708-716; 1950 *UN Yearbook*, pp. 530-531; *Int. Org.*, Feb. 1951, pp. 135-144. See also James Simsarian, "Economic, Social, and Cultural Provisions in the Human Rights Covenant," *Department of State Bulletin*, June 25, 1951, pp. 1003-1014, for text and explanation of the 1951 ECOSOC draft, which included both political and economic rights and also measures for implementation by creation of a Human Rights Committee to hear complaints of human-rights violations, investigate, and attempt to reach amicable settlements.

¹⁶ See Assembly resolutions dated February 5, 1952, *Roundup of the Sixth Regular Session of the General Assembly*, Press Release GA/855 (mimeographed, UN, Paris, 1952),

when it established the Commission on Narcotic Drugs, which is responsible, like its fellows, for advising the Council on technical matters within its realm of competence.²¹ The Commission furthermore was ordered to assist ECOSOC in exercising its powers of supervision under whatever narcotics-control measures might in future be entrusted to it. In practice, under the UN as under the League, actual control is exercised through two agencies. The Permanent Central Opium Board, which is charged with the general international supervision of the narcotics traffic, is technically an independent organization; however, its eight members are appointed by the Economic and Social Council, which of course brings about an administrative connection with the UN. The Supervisory Body, another part of the control mechanism, is composed of four individual experts, one chosen by the Commission on Narcotic Drugs, one by the Permanent Central Opium Board, and two by the World Health Organization. Thus it is apparent that the UN, acting through ECOSOC and the Commission on Narcotic Drugs, plays a major role in solving this difficult control problem.²²

In 1950-1951 the Commission undertook to draft a single Convention on Narcotic Drugs, which would combine and replace the various existing ones. It had also under consideration (but finally decided against) a proposal for the creation of a new technique for narcotic-drug control involving the establishment of a single monopolistic "International Purchasing and Selling Agency," to operate under the UN. All opium producers would be required to sell their produce to this agency, and all purchases for legitimate use of opium would be made from it. The major producing countries would each be allotted a maximum quota for production and sale to the central agency.²³

➤ *The Population Commission.* The Population Commission, which replaced the Demographic Commission, advises the Council on population changes and migrations and the reasons for them; on the interrelationships of economic and social conditions and population trends; and on any other population problem on which a UN organ or agency may seek advice. In 1950, for example, ECOSOC authorized the Commission to make a study of the effects

²¹ This type of function was demonstrated when, in 1948, the Commission recommended to ECOSOC that a new convention be negotiated in order to bring under control new synthetic addiction-producing drugs that were not covered by existing regulations. Work on the new synthetic drugs and their control was conducted in conjunction with the World Health Organization Expert Committee on Habit-Forming Drugs; see *WHO Newsletter*, Mar. 1949, pp. 2-3. The new control treaty was approved by ECOSOC and the General Assembly, signed by the representatives of forty-seven states in Paris in November 1948, and came into force on December 1, 1949. The text is in the 1948-49 *UN Yearbook*, pp. 639-642. In August 1950 the United States announced its ratification.

²² For details on the operation of the drug-control system, see: Davis, ed., *op. cit.*, pp. 182-192; Hill, *op. cit.*, pp. 423-427; and two issues, both entitled "Narcotic Drug Control," of *Int. Concil.*, No. 441, May 1948; and No. 485, Nov. 1952.

²³ See *Int. Org.*, May 1950, pp. 285-286; *ibid.*, Aug. 1950, pp. 453-454.

Institution of an International Right of Correction, which, in an attempt to overcome the effects of controlled and propagandist presses, provides that when one government believes that a news agency has transmitted an inaccurate or false news report it should have the right to follow up that report with a communiqué of not more than twice the length of the original, in which it may give its own version of the facts; other states agree to make the communiqué available to their own press on the same basis on which the original report was made available, and all rely upon reciprocity as the enforcing agent.¹⁸ The third document is a Draft Convention on Freedom of Information, under which, with some qualifications concerning emergencies, slander, and criminality, "Each contracting State shall secure to . . . [all its residents] . . . freedom to impart and receive information and opinions, orally, by written or printed matter, in the form of art, or by legally operated visual or auditory devices without governmental interference."¹⁹ The first two conventions were combined into one and approved by the General Assembly in 1949; action on the third was deferred. ECOSOC has recommended that no further action be taken for the time being, and this suggestion is apparently being followed. This third convention is one issue on which the United States and the USSR agree: both are opposed to it as it stands, although for different reasons. The United States holds that the treaty is too restrictive; the Soviet Union opposes it on the ground that it does not forbid "fascist propaganda." It should be added in this connection that the ethics of the journalistic profession has been the subject of a statement drafted by a subcommittee of the Commission on Human Rights.

➤ *The Commission on Narcotic Drugs.* One of the important public-health activities of the League was the supervision of the manufacturing and the international trade in narcotic drugs, and as early as 1946 the UN Assembly and ECOSOC showed that they had no intention of allowing these functions to lapse. Late in that year the Assembly drafted and submitted to the member states a protocol by which administration and enforcement of the several existing narcotics-control treaties were to be taken over by agencies operating under the UN; this protocol was soon ratified by more than forty states.²⁰ ECOSOC began assuming its part of the task at its first session (1946),

¹⁸ Enforcement of such a convention would have been interesting in early 1949, when *Pravda* announced that (1) 60 percent of American families earned less than \$3000 per year as against a minimum subsistence requirement of \$4100; (2) the unemployed in the United States numbered nine to ten million; (3) one out of every seven Americans was starving; (4) fourteen million Negroes in the United States lived as slaves and pariahs; and (5) the American economy had not recovered from the 1929 crash. See the *New York Times*, Mar. 25, 1949.

¹⁹ See the 1947-48 UN Yearbook, p. 587, for the agenda of the conference, and *ibid.*, pp. 590-595, for the texts of the three draft conventions.

²⁰ The text of the Assembly's resolution and of the protocol are to be found in the 1946-47 UN Yearbook, pp. 264-268; see also *ibid.*, pp. 532-539.

and measures, and it becomes clear why the lot of the statistician is not a happy one. Hence when the Statistical Commission was established, the very first of its terms of reference included the duties of assisting ECOSOC in promoting the national development of statistical services and improving the comparability of data. Furthermore, it is directed to assist in the coordination of the statistical work of the Secretariat and of the specialized agencies and to give technical advice needed by any of the UN organs. Like other ECOSOC commissions, therefore, this one does not exist solely to serve the Economic and Social Council; it is to make its technical and expert advice available in general to those in need of it. Other activities have included prevailing upon ECOSOC to call the World Statistical Congress which met in Washington in 1947 and publishing several statistical bulletins, yearbooks, and special research reports.

➤ *The Commission on the Status of Women.* Although at first it was only a subcommission of the Commission on Human Rights, the group concerned with the status of women was set up as a commission in 1946. As its name implies, the Commission on the Status of Women is expected to advise and recommend to the Council in the matter of promoting women's rights in the political, economic, social, and educational fields and to help ECOSOC implement the principle that women should have equal rights with men in law, voting, nationality, and property. Since this idea arouses something less than wholehearted enthusiasm in many parts of the world, one may anticipate that implementation will be slow. The Commission did, however, obtain the passage by ECOSOC in 1948 of several resolutions which invited member states to give women the same political, social, and economic rights as men and to practice the concept of equal pay for equal work.²⁶ It has specifically recommended a convention guaranteeing equal rights for married women in nationality law; in 1950 ECOSOC agreed, and asked the International Law Commission to draft such a convention.²⁷ In 1952 the Commission completed and asked ECOSOC to approve a draft convention guaranteeing equal rights to women in the matters of voting and holding public office, and establishing the principle of equal pay for equal work.

➤ *The Transport and Communications Commission.* Like the others, the Transport and Communications Commission exists to advise ECOSOC and in appropriate cases other UN organs on matters falling within its competence, which include aviation, telecommunications, postal services, inland transport, and shipping. Its terms of reference order it to keep ECOSOC informed on the degree of coordination among the specialized agencies that deal with transport and communications, such as the Universal Postal Union, the International

²⁶ For texts of these resolutions, see 1947-48 *UN Yearbook*, pp. 600-605. On the Commission in general, see 1948-49 *UN Yearbook*, pp. 577-582.

²⁷ *UN Bulletin*, Sept. 1, 1950, p. 220.

of economic and social development on population growth, especially as applied to India. India and the Commission were jointly to conduct and finance the project.

The Commission expressed a natural interest in the 1950 censuses of various countries, and it drew up lists of items on which it hoped the national governments would establish uniform census definitions and practices, so that the resulting figures would be internationally comparable. ECOSOC at an early stage directed the Secretary-General to arrange for the compilation and publication of a Demographic Yearbook, and the Population Commission has co-operated on the project. The Yearbook presents statistics on area, population, mortality, morbidity, marriage, divorce, and similar matters.

➤ *The Social Commission.* The Social Commission is in some respects similar to the Commission on Narcotic Drugs; its function is basically two-fold: first, it advises the Economic and Social Council on general social questions, especially those not covered by the specialized agencies; and secondly, it has certain international control duties which earlier had been entrusted to offices operating under or in conjunction with the League of Nations. So again is the continuity from League to UN demonstrated. League conventions of 1921 and 1933 had attempted to regulate the traffic in women and children, and one of 1923 had a similar object with regard to obscene publications; by Assembly protocol of 1947 regulatory functions under these conventions were transferred to the UN.²⁴

The Secretary-General was authorized in 1946 by Assembly resolution to provide for continuing the social-welfare advisory service which the United Nations Relief and Rehabilitation Administration (UNRRA) had inaugurated, and with the advice of the Social Commission he has carried out this duty. The Secretariat has come to provide a fairly wide range of social-welfare functions, including such matters as arranging fellowships for social-welfare study and experience, providing literature and films, and furnishing qualified consultants, at the request of a country, to give advice on training in social welfare, administration of charitable institutions, child welfare, and related subjects. Many of these experts have made on-the-ground surveys and recommendations to the host governments; the results have been so successful that in 1950 ECOSOC asked the Assembly to continue this practice.²⁵

➤ *The Statistical Commission.* Anyone who has had even brief contact with a problem involving the use of statistics from more than one country is likely to have had a baffling experience, in that the census and other statistical definitions and categories vary so widely as to make the figures not at all comparable. Add to this the variations in national units of money, weights,

²⁴ The protocol and related documents may be found in the 1947-48 UN Yearbook, pp. 120-123, 615-616; see also *Int. Org.*, May 1950, p. 285.

²⁵ UN Bulletin, Sept. 1, 1950, pp. 216-217; see also 1947-48 UN Yearbook, pp. 608-610.

► *The Economic Commission for Europe.* As early as February 1946, when the UN was brand-new, the Assembly asked ECOSOC to place upon its agenda an item calling for consideration of the economic reconstruction of war-devastated areas. ECOSOC complied by creating a Temporary Sub-Commission on Economic Reconstruction of Devastated Areas, which was to advise ECOSOC on reconstruction in all areas except Germany and Japan. Early in the following year (1947) ECOSOC created, as successor to the temporary body, the Economic Commission for Europe (ECE) and gave it responsibility for studying questions of European economic reconstruction, for initiating measures looking toward that end, and for collecting, evaluating, and disseminating such economic, statistical, and technological data as it deemed appropriate to its duties. Its membership was to include the European members of UN, plus the United States, and European nonmembers might be admitted in a consultative capacity. It has eighteen members, but there are an additional eleven nonmember attendants. One of the important privileges given to ECE was the power to communicate with and make recommendations directly to any member government or any appropriate specialized agency; it was not restricted to approaching them "through channels." ECE absorbed the previously existing European Coal Organization (ECO) and the European Central Inland Transport Organization (ECITO), which had been agencies for allocation of coal and coordination of road and railroad transportation.

ECE has set up numerous committees, such as those dealing with agricultural problems, coal, electric power, inland transport, steel, and timber. These committees serve various functions. The coal group, for example, continued the work of ECO in allocation of coal from Poland, Germany, and Great Britain to importers, and it materially assisted in bringing about major increases in European iron and steel production. The committee on electric power has studied the means whereby there may be a coordinated development of power resources in Europe, and its activities have led to agreements for exchange of electrical energy among several of the countries of Europe. The inland transport committee continues the work of ECITO; it has promoted agreements among twelve states facilitating international highway traffic by minimizing police and customs interference, and improving practices with regard to interchangeability of railroad freight cars, thus easing a critical shortage of rolling stock.

ECE has made numerous research studies in an attempt to isolate and identify the economic ills of Europe, with a view to seeking and coordinating national action to overcome them.³⁰

► *The Economic Commission for Asia and the Far East.* The Economic Commission for Asia and the Far East (better known as ECAFE) was created

³⁰ On ECE in general, see 1946-47 *UN Yearbook*, pp. 481-484; 1947-48 *UN Yearbook*, pp. 523-536; 1948-49 *UN Yearbook*, pp. 498-509; W. W. Rostow, "The Economic Commission for Europe," *Int. Org.*, May 1949, pp. 254-268; Gunnar Myrdal, "For Europe's Sick Economy," *UN World*, June 1950, pp. 28-30. Some ECE reports are summarized in "World Economic Conditions," *Int. Concil.*, No. 440, Apr. 1948.

Telecommunication Union, and the International Civil Aviation Organization. This commission was instrumental in bringing these agencies into relationship with the UN.

The Commission's terms of reference give it a function not commonly conferred: "... on instructions of the Economic and Social Council and when so authorized by convention or agreement between the parties, to perform the task of conciliation in cases of disputes between States and (or) specialized agencies, on problems concerning international transport and communications where not dealt with by other means."²⁸ It remains to be seen whether this function will turn out to be prominent, but it is not at all inconceivable that the Commission may serve an important conciliatory purpose, particularly since a major duty of ECOSOC is to serve as grand coordinator of the specialized agencies.

Two conferences convened by the Transport and Communications Commission are worthy of note. Through the intermediacy of ECOSOC and the Secretary-General, a conference met in 1948 in Geneva which culminated in the formation of the Inter-governmental Maritime Consultative Organization, about which more will be said in the following chapter. The important thing here is that the Transport and Communications Commission noted the great number of international treaties covering the general field of maritime commercial shipping, but also noted the almost complete lack of permanent inter-governmental organization in the same field. It recommended that the gap be filled, and thus, eventually, IMCO came into being. The second conference was on road and motor transport, and it was held in 1949 in Geneva. Here were drafted a Convention on Road Traffic and a Protocol on Road Signs and Signals, the object of both being to obtain international uniformity in the matters indicated by the titles. Both treaties are open for signature.

REGIONAL ECONOMIC COMMISSIONS

We now direct attention toward another type of commission organized by ECOSOC, one that has a research and advisory task limited to one particular sector of the earth's surface. ECOSOC has created three regional economic commissions and given them broad terms of reference. In 1951, when the decision was taken to extend the lives of these bodies indefinitely, ECOSOC made plain its desire that they should give every possible assistance to promoting the rounded and peaceful development of the economies of their member countries. In the first few years after World War II these commissions established a reputation for the accuracy and inclusiveness of their bulletins and surveys of trends in wages, prices, inflation, industrial and agricultural production, foreign exchange, and related matters.²⁹

²⁸ See 1946-47 *UN Yearbook*, pp. 496-504.

²⁹ A good, concise statement of the organization and functions of the regional economic commissions will be found in *Everyman's United Nations*, pp. 65-74.

arrived at for the distribution of work between the two in order to avoid duplication. The kind of inter-agency cooperation that is attainable is indicated by the fact that the June 1950 session of ECLA considered a report on the administration of agricultural credit which had been prepared jointly by experts from ECLA, the Food and Agriculture Organization, and the Inter-American Economic and Social Council.³³

► *Problems of the Middle East.* The regional commissions just discussed have made and published extensive surveys of the economic problems of their areas, covering such matters as the degree of war devastation, progress of recovery, national income, population, mining, industry, communications, labor, and international trade. These studies have been widely circulated and accepted, and the desire to extend their type of work has been evident. In 1947, for example, the Egyptian representative asked the General Assembly to invite ECOSOC to establish an Economic Commission for the Middle East, to function in much the same fashion as do the others. Although the Assembly approved the idea and ECOSOC has taken the matter under consideration, no Middle East Commission has as yet been forthcoming.³⁴

THE SPECIALIZED AGENCIES

There is a third field of action in addition to the functional and geographic commissions in which the coordinating abilities of ECOSOC are brought into play, and it is one of outstanding actual and potential importance. Articles 57 to 66 of the Charter should be read in this connection. They provide that the various international administrative unions, such as the International Labor Organization, the Universal Postal Union, and others more recently created, should be designated as "specialized agencies" and should be brought into relationship with the United Nations through agreements negotiated by the Economic and Social Council. However, although ECOSOC acts as intermediary, the agreements are subject to approval by a two-thirds vote in the General Assembly and to ratification by the representative or legislative body of the specialized agency involved. When this procedure has been completed, the agreement goes into effect and the agency is said to have been "brought into relationship with the United Nations." Ten agencies are so related and two others (the International Trade Organization and the Inter-governmental Maritime Consultative Organization) have such prospects for the future.

► *Relationship Agreements.* Although it is the duty of ECOSOC to negotiate agreements of affiliation, there is no legal standard form of agreement. Basically, however, all these agreements have much in common. Each contains a fundamental pledge of mutual cooperation, but does not commit

³³ See Alfonso Santa Cruz, "ECLA Reports," *The Pan American*, June 1950, pp. 37-40; George Kalmanoff, "UN Reviews and Appraises Latin America's Economic Problems," *Foreign Commerce Weekly*, Aug. 7, 1950, pp. 3 ff.

³⁴ See 1947-48 *UN Yearbook*, pp. 99-100; 1948-49 *UN Yearbook*, p. 523.

by ECOSOC at the same time as the Economic Commission for Europe, and its terms of reference are substantially similar. ECAFE consists of the fourteen UN members from the Pacific area, plus the United States, and nine associate members; Japan was included in the latter category in 1952. Its first session met in Shanghai in June 1947. Its activities thus far have been restricted largely to basic and unspectacular economic studies. It has recommended, and ECOSOC has resolved (1948) that the Secretary-General should form a Bureau of Flood Control for Asia and the Far East, which should be responsible to ECAFE and should have as its duties the working out of acceptable plans for meeting this major concern of several Far Eastern countries. The Bureau is to include three to five highly qualified experts on matters of flood control and to avail itself of whatever consultants it requires.³¹

➤ *The Economic Commission for Latin America.* Membership policy of the Economic Commission for Latin America (ECLA) is similar to that of the two aforementioned regional commissions: membership includes all UN members in the Americas, plus France, the Netherlands, and the United Kingdom, since these three countries have significant colonial possessions in this hemisphere. Under its terms of reference ECLA will initiate and help execute measures designed to cure the economic ills resulting from the war, to raise the general level of economic activity in Latin America, and to improve and extend economic relations of Latin American states with one another and with the rest of the world. ECLA was created at the February-March 1948 session of the Economic and Social Council, and it proceeded to establish headquarters and hold its first meeting in Santiago, Chile, in June 1948. Activities undertaken include basic surveys of economic potential, power resources, mineral production, transportation facilities, agricultural credit, immigration, and means of expanding foreign trade and meeting the balance-of-payments problem.³²

One may wonder why the UN should have established ECLA, when the Organization of American States already had its own Inter-American Economic and Social Council, which is designed to perform much the same kinds of duties. The answer lies in the realization of the Latin American nations that problems of world trade are so numerous and complex as to preclude the hope that a hemispheric agency such as the OAS alone might solve them; they have therefore welcomed ECLA. As a matter of fact, ECLA is specifically instructed to coordinate its activities with those of the Pan American Union, the Inter-American ECOSOC, and the Caribbean Commission. ECLA and the Inter-American ECOSOC have indeed cooperated closely; representatives of each have attended the other's meetings, and signed agreements have been

³¹ On ECAFE, in general, see 1948-49 *UN Yearbook*, pp. 509-518.

³² See 1947-48 *UN Yearbook*, pp. 505-508, 539-541; 1948-49 *UN Yearbook*, pp. 518-523; *UN Bulletin*, July 15, 1950, pp. 61-63.

those between the International Labor Organization and the Food and Agriculture Organization and between the UN Educational, Scientific and Cultural Organization and the World Health Organization. In addition, there has in practice been much use of the right of reciprocal representation at meetings; reciprocal exchange of documents is in working order; and, finally, permanent liaison officers are maintained at UN headquarters by some of the agencies so that cooperation may be furthered. Notice has already been taken of a few instances in which two or more agencies have cooperated on a given project, and several more will become apparent in the following chapter. The Secretariat may be expected to continue to provide a unifying influence, since many specialized agencies, as well as national governments, call upon its experts for assistance and collaboration.

All these devices will doubtless continue to assist in knitting the agencies' functions into one cooperative whole. The same may be said of the Administrative Committee on Coordination, which was established in 1947 by the Secretary-General in pursuance of a resolution of ECOSOC. In this resolution he was requested to set up a standing committee, with himself as chairman, which would include the chief administrative officers of all the specialized agencies, with the purpose of ensuring "... the fullest and most effective implementation of the agreements entered into between the UN and the specialized agencies."³⁷ This committee has already proved its worth. The type of problem submitted to it is evident from a mere listing of a few subjects studied by it in 1950: the reduction in number of meetings of UN bodies (these meetings run into the thousands each year); coordination of conference services, meeting calendars, and questionnaires and other reports; and coordination of policy among the agencies as to salary and budgetary practices.³⁸ When in a later chapter we come to a consideration of the position of Secretary-General, it will be pointed out that one of his major functions is that of providing over-all coordination of the entire UN structure; manifestly a committee such as the Committee on Coordination can be an important part of the machinery used for such a purpose. The agencies directly affected by this committee are the subject of the following chapter. Before we turn to them, however, it should be noted that one of the difficulties that the UN has encountered with country after country is that its instructions to representatives in one UN organ do not correlate with those to its delegates to another. This problem in coordination must, of course, be solved by the individual national governments rather than by any UN committee.

³⁷ See 1946-47 *UN Yearbook*, p. 546; 1947-48 *UN Yearbook*, pp. 110, 676, 682; Goodrich and Hambro, *op. cit.*, pp. 357-361. Further coordination is provided by the Consultative Committee on Statistical Matters; here representatives of the UN and of the specialized agencies reach agreement on technical statistical matters and exchange information acquired by questionnaires and other means. See 1947-48 *UN Yearbook*, p. 563.

³⁸ See *Int. Org.*, May 1950, pp. 288-290; 1948-49 *UN Yearbook*, pp. 681-686.

one body to direct control by the other. The agreements provide, for example, that there shall be reciprocal representation at conferences and meetings of executive councils; that there shall be mutual acceptance and discussion of agenda items; that each contracting party shall be entitled to make formal suggestions to the other; that there shall be a complete interchange of all documents and pertinent information; that the agency involved shall cooperate with the Security and Trusteeship Councils as the latter discharge their duties under the Charter; that the agency shall have the right to request advisory opinions on legal matters falling within its jurisdiction from the International Court of Justice; that the agency and the UN shall, insofar as is possible, coordinate their personnel, budgetary, and administrative practices as well as their statistical services; and finally, that the agency shall transmit its administrative budget to the Assembly for scrutiny.³⁵ It will be noted that, although the Assembly may examine and recommend budgets, there is no requirement that it approve and no provision that its disapproval of a budget item should constitute a veto.

Here as elsewhere the Charter and the agreements make it perfectly clear that these specialized agencies are to be largely autonomous bodies (although some have considerably more autonomy than others); this point is made, for example, in Article 63(2), wherein the Economic and Social Council is authorized to "... coordinate the activities of the specialized agencies through *consultation* with and *recommendations* to such agencies and through *recommendations* to the General Assembly and to the members of the UN." The words italicized are manifestly expressive of exhortation rather than of command. Such voluntary cooperation is all to the good, but it should be recognized that neither ECOSOC nor the Assembly is in a position of real control over the agencies. This is especially clear in connection with the International Bank and the International Monetary Fund; their relationship agreements preclude the UN bodies even from giving advice in certain major matters. Under such circumstances the coordinating task of ECOSOC is bound to be difficult and to require all the conciliatory arts of the diplomat.

➤ *Means of Coordination.* There are several means by which the activities of the UN organs and of the specialized agencies may be coordinated. Obviously the discussions and recommendations of the Economic and Social Council (and, more distantly, the General Assembly) loom large in this picture; but it is also true that, since ECOSOC normally sits for a total of only about four months a year, it is not in a position to provide continuous guidance and integration.³⁶ Several inter-agency agreements have been negotiated, such as

³⁵ On the provisions of these agreements, see Goodrich and Hambro, *op. cit.*, pp. 350-353; 1946-47 *UN Yearbook*, pp. 543-544. The texts of the agreements themselves are published in the volume of the *UN Yearbook* that corresponds to the year of effective approval.

³⁶ For a typical summary of ECOSOC consideration of the annual reports of the specialized agencies, see 1948-49 *UN Yearbook*, pp. 668-674.

THE SPECIALIZED AGENCIES

SINCE WE HAVE in the preceding chapter become somewhat familiar with the Economic and Social Council and its relationship to the specialized agencies, it is now proposed that we survey briefly those agencies themselves. Most of the organizations to be discussed have been brought into relationship with the United Nations by the process already described; it is presumed that the others will be in the near future.

Manifestly it is impossible to do more here than indicate bare outlines of the organization and function of the agencies. The chart on pages 522-523 provides the basic data on the former, and the ensuing text will undertake to supply the latter.¹

AGENCIES COORDINATED BY ECOSOC

➤ *The International Bank for Reconstruction and Development.* The International Bank for Reconstruction and Development, usually known by the less ponderous title of "Bank," is one of the two related organizations established as a result of the Bretton Woods Conference of July 1944.² Its formal

¹ The text that follows is designed to sketch broad outlines which the reader may fill in by following up the footnote references. The text attempts to present a picture of the agencies in actual operation, without much attention to organization or development. Brief summaries of the specialized agencies and their work will be found in L. Goodrich and E. Hambro, *Charter of the United Nations* (World Peace Foundation, Boston, rev. ed., 1949), pp. 326-350, and in the UN Department of Public Information, *Everyman's United Nations* (Funk and Wagnalls, 1948), pp. 135-193. For more detail consult the *UN Yearbooks*, in which the texts of the organizations' constitutions and other basic documents will be found; see, for example, the volume for 1948-49, pp. 983-1118; 1950 *UN Yearbook*, pp. 887-1010. The texts of all the agencies' constitutions and the instruments of accession by the United States will be found in *Decade of American Foreign Policy*, pp. 199-409. For current surveys of actions of the specialized agencies, see their own reports and such standard periodicals as the *UN Bulletin*, the *Department of State Bulletin*, and *International Organization*. The agencies' officers and memberships, together with thumbnail sketches of functions, are found in the UN Department of Public Information's *Handbook of the UN and the Specialized Agencies* (UN Sales No. 1949.I.9; 1st ed., May, 1949). Useful bibliographies are those in Goodrich and Hambro, *op. cit.*, pp. 659-681, and in *Selected Publications and Materials Relating to American Foreign Policy*, Dept. St. Publ. No. 3495 (GPO, 1949).

² The United States joined both the Bretton Woods organizations (the Bank and the International Monetary Fund) by the terms of an act approved July 31, 1945, rather than by treaty. The text of the act is reprinted in *Docs. Am. For. Rels.*, 1944-1945, pp. 537-545; other pertinent documents are found on pp. 508-537 of the same volume. See also *Decade of American Foreign Policy*, pp. 251-311.

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ON THE SPECIALIZED AGENCIES

Executive council

14 Executive Directors: 5 from states with largest numbers of shares, 9 chosen by Board of Governors; 2-year terms.

Council; 18 members chosen by Conference.

14 Executive Directors: 5 from states subscribing most capital, 9 chosen by Board of Governors; 2-year terms.

Council; 21 members chosen by Assembly; 3-year terms.

Governing Body; 32 members chosen by General Conference: 16 government representatives (8 from chief industrial states), 8 employer and 8 employee representatives; 3-year terms.

Council; 16 members elected by Assembly, with regard to their maritime importance; 2-year terms.

Executive Committee; 9 members chosen by General Council; 2-year terms.

Executive Board; 18 members chosen by Conference (8 from states of chief economic importance as declared by Conference); 3-year terms.

Administrative Council; 18 members elected by Conference.

Executive Board; 18 members elected by General Conference; 3-year terms.

Executive and Liaison Commission; 19 members elected by General Conference; 5-year terms.

Executive Board; 18 states chosen by Assembly; member states designate expert representatives; 3-year terms.

Executive Committee; 14 members.

Chief administrative officer

President; chosen by Executive Directors.

Director-General; chosen by Conference.

Managing Director; chosen by Executive Directors.

Secretary General; chosen by Council.

Director-General; appointed by Governing Body; supervises International Labor Office.

Secretary General; appointed by Council with approval of Assembly.

Director-General; appointed by Council on nomination by Executive Committee.

Director-General; appointed by Conference on recommendation of Executive Board.

Secretary General; appointed by Council.

Director-General; elected by General Conference on nomination by Executive Board; 6-year term.

Director; supervises International Bureau, under Swiss Postal Administration.

Director-General; appointed by Assembly on nomination by Executive Board.

Secretary General; appointed by Congress.

ORGANIZATIONAL DATA

Name	Head- quarters	No. of mem- bers, 1952	Annual budget, 1952	Date of estab- lish- ment	Date of rela- tion- ship to UN	Conference data
Bank	Washing- ton	51	\$5,223,000	1945	1947	Board of Governors; each member represented; voting power proportionate to stock held.
FAO	Rome	70	5,000,000	1945	1946	Conference; biennial; equal representation for all states.
Fund	Washing- ton	51	4,830,450	1945	1947	Board of Governors; each member represented; voting power proportionate to capital subscribed.
ICAO	Montreal	57	2,834,191 (Canadian)	1947	1946	Assembly; annual; equal representation and voting power for all member states.
ILO	Geneva	65	6,224,922	1919	1946	General Conference; annual; 4 delegates per state; 2 government, 1 employer, 1 employee.
IMCO	London				1948	Assembly; biennial.
IRO	Geneva	18	Administrative: 4,500,000 Operational: 145,432,118 (1950)	1948 (termi- nated 1952)	1948	General Council; semi-annual; one representative per member; equal voting power.
ITO	Geneva					Conference; annual; equal voting power.
ITU	Geneva	89	1,221,500	1865	1947	Conference; every 5 years.
UNESCO	Paris	64	8,718,000	1946	1946	General Conference; biennial; equal representation for all members.
UPU	Bern	89	342,970	1875	1947	Universal Postal Congress; every 5 years; equal voting power.
WHO	Geneva	79	7,677,782	1948	1947	World Health Assembly; annual; equal representation for all members.
WMO	Geneva	30	190,000 (1951)	1878	1951	World Meteorological Congress; every 4 years; equal voting power.

42,100,000 for irrigation and flood control, and
29,300,000 for communications.⁵

In connection with loan applications, the Bank sends technical missions to make economic surveys, to analyze projects, and to assist in formulating loan applications. The Bank's experts have gone to countries in South America, Africa, Europe, and Asia. These activities are not always engaged in by the Bank alone. Loans to European countries for timber-producing equipment, for example, have been the product of cooperation of the timber committee of the Economic Commission for Europe, the Food and Agriculture Organization, and the Bank.

Although the Bank is not designed as a money-making venture, and although it did lose money up to the end of 1947, it has shown a profit on its operations since the beginning of 1948. Its policy demands the charging of an interest rate slightly higher than the rate which the Bank itself must pay, plus a commission of 1 percent, which goes into a special reserve fund against liabilities.⁶

→ *The International Monetary Fund.* Stated in a general way, the purposes of the Fund (which was the second major outgrowth of the 1944 Bretton Woods Conference) are to promote international monetary cooperation and stability, to maintain orderly foreign-exchange arrangements, to avoid competitive currency depreciations, and to provide an agency through which members may correct maladjustments in their balances of international payments. One major specific task of the Fund thus far has been to establish official par values for members' currencies; this was done late in 1946.⁷ The Fund's Articles of Agreement require that these values be stated in terms of gold or of the United States dollar of the weight and fineness of July 1, 1944, the date of the convening of the Bretton Woods Conference. Once values are thus fixed, members are bound by the Articles to maintain the stability of their currencies within 1 percent of the established par value, unless after consultation with the Fund officers revaluation is permitted.⁸

⁵ Statement by Eugene R. Black, President of the Bank, in *UN Bulletin*, Jan. 1, 1951, pp. 25-26.

⁶ The Bank's profits from such operations go into reserve funds, which in 1952 amounted to about seventy-five million dollars. A convenient nontechnical discussion of the Bank and the Monetary Fund will be found in *Money and the Postwar World*, a pamphlet published in 1945 by the UN Information Office, New York City. Another good description is in Sigrid Arne, *United Nations Primer* (Rinehart, rev. ed., 1948), pp. 70-83. Surveys of the operations of the Bank and the Fund for 1944-1949 are given by Antonin Basch and Raymond F. Mikesell in *Int. Concil.*, No. 455, Nov. 1949.

⁷ Since these and other fiscal operations are highly secret, at least in their early stages, the Fund, like the Bank, tolerates virtually no supervisory inspection either by ECOSOC or the General Assembly.

⁸ If a member changes its par values without authorization, as France did in 1948, it is penalized by being in future barred from the use of the Fund's services. See 1947-48 *UN Yearbook*, p. 878. Numerous changes in par values by various countries were approved by the Fund in the wave of devaluations of 1949; see *Int. Org.*, Nov. 1949, pp. 716-717; *ibid.*, Nov. 1950, pp. 679-680.

name, though long, is well chosen, for the aims of the Bank are reconstruction of war-damaged property and peacetime economic development. Since 1948 most of its loans have been for the latter purpose.

The question may be asked why an intergovernmental agency needs to be established for loans of these types, which might be made directly by private bankers. The answer lies in the fact that, although there are indeed many such private loans, most of the necessary postwar loans must be long-term and at very low interest rates—and the average private banker is not interested. Loans may be made either to member states or to private borrowers within them, but Bank policy requires that in all cases repayment must be guaranteed by the member state or its central bank, and this has had the practical effect of limiting most loans to governments. Bank policy also demands that (1) the borrower must be unable to raise the needed funds under reasonable conditions in the private market, (2) the loan will not be made until after investigation by agents of the Bank to determine the soundness of the project and the probability of repayment as scheduled, (3) political considerations are not to influence the granting or withholding of loans,³ and (4) as a general rule the loans are designed to cover the foreign exchange needed for a project, rather than its domestic currency costs.

The Bank draws its funds in part from member states' subscriptions to its capital stock, which by 1952 amounted to about 8.5 billion dollars, and in part from bonds which it sells in the regular private market. The latter operations began in 1947, when the Bank floated two loans in the United States, the first a 100-million-dollar issue of ten-year 2½-percent bonds and the second a 150-million-dollar issue of twenty-five-year 3-percent bonds.⁴ The loans made have been numerous, and by 1952 they had reached \$1,231,783,000; borrowers were governments and semipublic companies literally all over the world. Loans to the end of 1950 included:

\$474,100,000 for reconstruction and industrial development,
222,975,000 for electric power projects,
166,500,000 for transportation (railroads and highways),
87,800,000 for agricultural equipment and land development,

³ This requirement is a most difficult one to apply, and there is some question as to whether it has been fully observed. In March 1950 Poland withdrew from the Bank and the Fund, alleging among other things that these bodies had become tools of the foreign economic policy of the United States. See *Int. Org.*, May 1950, p. 315. However, this withdrawal seemed better proof of the noncooperative policy of the Soviet satellites than of Bank domination by the United States.

⁴ Some details on these operations and on loan policies will be found in the 1946-47 *UN Yearbook*, pp. 747-749; 1947-48 *UN Yearbook*, p. 868; and in *UN Bulletin*, Oct. 1, 1950, pp. 318-321. There was a good deal of initial opposition in many states to permitting the Bank's bonds to be purchased by state banks, but this difficulty has been largely overcome. See *U.S. News*, Dec. 13, 1946, pp. 49-50. Several issues have been floated in other countries.

Although FAO is a direct creation of the Hot Springs, Virginia, conference of 1943, it has some roots in the International Institute of Agriculture (IIA), established in Rome in the early years of the present century and now absorbed into the new organization. FAO headquarters, at first located in Washington, were in 1951 moved to Rome.¹¹

In the first few years of its existence FAO has already demonstrated the wide range of its potential activities and usefulness. It took over, on January 1, 1948, the functions of the International Emergency Food Committee, which included recommending allocations of agricultural products in short supply;¹² it called a timber conference in 1947, which, in cooperation with an ECE timber committee, brought about a 10-percent increase in Europe's timber production, thus easing a strategic shortage and supplying a vital material for postwar reconstruction; it has instituted training schools for scientists and seeds¹³ and new agricultural and veterinarian techniques to scientists and practitioners of several European and Asiatic countries. One of its special technical missions went to Poland in 1947 to make a survey that resulted in much improved yields of the basic potato crop; another went to Siam in the following year to study and advise on means of increasing rice production and improving water supplies; another visited Venezuela to study the possibilities of exploiting the potential supplies of wild oil-bearing palm nuts; in 1949-1950 still another investigated and advised Nicaragua on improved methods of forestry and livestock breeding. Other missions have gone to other states, always at the request of the local governments, to advise on some specialized aspect of food production. An FAO expert reported in 1949, after a field study, that 800,000 tons of scarce and valuable high-grade fertilizer could be produced annually from the waste natural gas of the Saudi Arabia oil fields.¹⁴

¹¹ The text of the protocol and other documents ending IIA and transferring its functions to FAO may be found in the *Report of the Second Session of the [FAO] Conference* (FAO, Washington, 1946), pp. 60-63. The IIA, incidentally, was established through the efforts of the King of Italy, who was interested in the project by David Lubin, of the United States. Lubin tried unsuccessfully to interest several governments (including his own) in such an institute before he succeeded with the King of Italy.

¹² The International Emergency Food Committee was abolished in the summer of 1949. Actually neither it nor FAO had the power to enforce allocations; technically, it simply recommended to a country that by means of import and export controls it distribute available supplies of cereals, cocoa, fats and oils, and other foods according to IEFEC plans. In spite of this lack of legal control, FAO (as successor to IEFEC) reported that as of March 1948 it had achieved more than 90-percent compliance with its recommendations. See 1947-48 *UN Yearbook*, p. 834.

¹³ "A nice example of international collaboration . . . is the marriage between the seed-corn of Guatemala and Iowa. I am told that the seed-corn from Iowa is not very resistant to drought and the corn of Guatemala will not grow at high altitudes. On the other hand, the Iowa seed-corn will grow at high altitudes and the Guatemalan seed-corn is resistant to drought. The FAO have been match-making. They have arranged a marriage which, I am told, will result in a seed-corn which will grow high in Guatemala and resist drought in Iowa." From a speech by Hector McNeil, reprinted in "Three Years of the United Nations," *Int. Concil.*, No. 445, Nov. 1948, p. 642. Reprinted by permission of the publisher.

¹⁴ See the *New York Times*, Apr. 16, 1949, p. 1.

Another function of the Fund, commenced in 1947, is sale of foreign currencies. The Fund acts as the middleman, selling to a member the foreign exchange with which to make international payments, and accepting the member's own currency or gold in return. Strict limits are placed on the extent of these operations, however, when a member is buying foreign currencies (especially dollars) with its own currency (instead of paying in gold), because the Fund is not conceived as an agency through which such imbalances of payments are to be perpetuated. These exchange operations began in March 1947; from that time until the end of April 1950 the Fund had sold some 777 million dollars' worth of foreign exchange to nineteen of its members, and repurchases in the same period had run to about twenty-four million dollars.⁹ The Fund's operating capital is drawn from its members' subscription quotas, which amount to about 8.2 billion dollars.

Like most of the other specialized agencies, the Fund operates a technical advisory service for members; either by correspondence or by the dispatch of an expert visiting mission it is prepared to assist in solution of currency or other fiscal problems. About a dozen states avail themselves of such services annually.

➤ *The Food and Agriculture Organization of the United Nations.* "What is called 'communism' in backward countries is hunger becoming articulate. . . . You can't build world peace on empty stomachs."¹⁰ Thus, far more colorfully than in any legal document, was the mission of the Food and Agriculture Organization (FAO) explained by Lord Boyd Orr, the first Director-General of the organization, who won a Nobel Prize in 1949 for his long-time struggle to raise the nutritional standards of the world. As long as people live at or below the subsistence level it can be confidently predicted that communism or other chimeras will appeal to them and that world stability will therefore be endangered. A world food survey has published the ominous fact that from one half to two thirds of the world's population is chronically malnourished. Thus there are both practical and humanitarian reasons for a world-wide interest in increasing the world's food production and raising its nutritional level, which are FAO's tasks. The organization is designed to perform also various ancillary services, such as preparation and publication of agricultural statistics; improvement of education dealing with food, nutrition, and agriculture; conservation of natural resources; and improvement of methods of processing and marketing agricultural produce.

⁹ *Int. Org.*, May 1950, p. 322.

¹⁰ Quoted in "You Can't Build Peace on Empty Stomachs," by Gilbert Bailey, in *New York Times Magazine*, Jan. 8, 1950, p. 18. See also the extract from an FAO world nutrition and food-production report reprinted in Norman Hill, *International Relations: Documents and Readings* (Oxford University Press, 1950), pp. 447-450; Gove Hambidge, "The FAO at Work," in *Int. Concil.*, No. 432, June 1947, pp. 347-422; "What FAO Has Done," *FAO Press Release* 1/Misc/45, July 16, 1948; 1946-47 *UN Yearbook*, pp. 685-702.

the air-line personnel must deal with customs and immigration inspectors; the air line must establish supplies of replacement parts in addition to service machinery and personnel at various foreign airports, and here further customs and immigration restrictions are likely to be involved. When all these matters are cleared away, it may develop that the runways in the foreign airports are too short for large planes, that air-navigation aids and traffic-control procedures are unfamiliar or inadequate for safe operations; or that the local weather forecasters need more meteorological data from other states in order to prepare reliable long-range predictions, which the air lines must have. Although this list sounds forbidding enough, there are a great many more perplexities that may beset the air line. Suppose, for example, that there are legal liens on certain of its aircraft and that local laws forbid the removal of mortgaged property from the geographical jurisdiction of the local courts; suppose that an accident occurs at a foreign airport involving the citizens and the insurance policies of a dozen states, with resulting litigation that is a trial lawyer's dream. Then, too, any corporation operating in two or more states faces the problem of double taxation of its assets and earnings. The list goes on and on.

These are the types of troubles which the International Civil Aviation Organization (ICAO) attempts to remove. It is proceeding with studies of the possibility of reconciling some of the numerous conflicts of national laws concerning use of the air; it has obtained approval of agreements by which weather stations are maintained in both the North Atlantic and the North Pacific and a meteorological station is maintained in Greenland; it has achieved the establishment of "Loran" (long-range navigation aid) stations in Iceland and the Faroes; its Council has been authorized to act as arbiter in the settlement of international aviation disputes or to give advisory opinions in such cases; in 1948 it submitted for ratification a convention dealing with mortgage and other legal rights in aircraft, and in 1952 one on the damage caused by foreign aircraft to parties on the ground. Unscheduled but highly dramatic services have been rendered on several occasions by ships on ICAO weather patrol in the North Atlantic (ICAO had twenty-five such ships in 1950); by the end of September 1948 these oceanic weather stations had already saved the lives of 137 crew members and passengers of planes and ships that were forced down or had foundered. Like other specialized agencies, ICAO sends expert missions to governments on request to advise on matters within its field of competence: general aviation policy, surveys of air transport facilities, and instruction in aircraft maintenance and communications.

Alongside this statement of ICAO's achievements must be placed the sober realization that its conferences have been unable thus far to solve several important problems that fall under the organization's jurisdiction. Its attempts to obtain multilateral regulation of international air traffic, for example, have

In addition, FAO is continuing the publication of the Yearbook of Food and Agricultural Statistics, begun in 1910 by the IIA, and is producing numerous other types of publications. In 1949 an FAO conference was held in London to deal with the unglamorous but agriculturally very dangerous hoof-and-mouth disease, conquest of which would be an immeasurable boon to farmers and ranchers the world over. In 1951, in conjunction with the UN Expanded Technical Assistance Program, which will be discussed later in this chapter, FAO was engaged in more than 100 research, development, and educational projects in thirty-five countries; thirty-two nationalities were represented in its operating field personnel. As of 1952, seventy states were members of the organization; that there were ten more FAO members than UN members was evidence of the high regard in which FAO was held.

Those who live in the United States, with its highly mechanized agriculture, tend to assume that the problem of adequate food production is one of supplying tractors, combines, and other complex machinery. The fact of the matter is that in many sections of the world it would be a major agricultural revolution if an old-fashioned steel plow were made available for replacement of the ages-old forked stick drawn by men or oxen. This itself would solve a considerable part of the problem of food production.

Another aspect of food production is being tackled by FAO in conjunction with the World Health Organization (WHO). It remains to be demonstrated that men starve to death because they are simply too lazy to work their fields, as some people occasionally imply; men often do not produce adequate food because they are suffering the debilitating effects of some endemic disease, such as malaria. This situation calls for the kind of joint action that is to be sponsored by ECOSOC: food production becomes an interest not only of FAO but also of WHO. If WHO can stamp out malaria (which it is in a fair way to do in some countries already), that particular segment of the food-production problem will be largely solved which centers in the degree of work which a man's health will permit him to undertake.

It should be recognized, however, that as some of FAO's problems are solved others are posed. For example, adequate food supplies could easily double the population of China in three decades, obviously raising further complications.

➤ *The International Civil Aviation Organization.* Problems of international road and rail transport have long been with us; to them have been added in relatively recent years the problems of international civil aviation.

When an air line incorporated in the United States, for example, desires to extend its routes into foreign states, it runs into complications by the dozens. A foreign state may refuse outright to grant permission to fly through its air, or it may hobble its approval with numerous burdensome restrictions;

feature of ILO organization deserves mention. ILO was the first international agency to adopt the principle of functional representation. At the annual General Conference, four delegates appear from each member state; two represent the government, one the employees, and one the employers. In the Governing Body there are thirty-two members; sixteen of these represent governments, eight of them coming from the states of chief industrial importance; of the remaining sixteen, eight represent labor and eight capital.

Regular annual conferences of ILO have long contributed to the construction of the International Labor Code, which, by means of conventions and recommendations, is designed to set international standards of labor policy. The conventions are like any other type of treaty in that when a government representative signs or initials one he thereby binds his government to exert its best efforts within its domestic constitutional limitations to produce the ratification and enforcement of the agreement. About 100 conventions have been officially proposed, and seventy of them have obtained sufficient ratifications to bring them into force. These conventions cover a multitude of subjects of interest to labor around the world: limitations of hours of work in industry, coal mines, commerce, public works, and textiles; minimum wages to be paid in industrial, agricultural, and maritime employment; restrictions on night work in various businesses; workmen's compensation insurance; and old-age pensions.¹⁷ The "recommendations" of the ILO are of course not binding in any legal sense upon the member states. Obviously, however, an attempt is made to raise the international standard of employment practice by this gentle pressure. About ninety of these recommendations have been adopted by the General Conference.

In addition to holding conferences that draw world-wide representation, ILO institutes regional ones, through which the problems of a particular localized area or type of work may be explored. It has also promoted regional agreements, such as that of 1950 concerning Rhine boatmen, which was described as follows by ILO's Director-General:

The Rhine serves a number of countries in its course and the boatmen working on it are drawn from all the bordering countries. Often they move from ship to ship and flag and thus work under divergent conditions and different schemes of social security, which give rise to difficulties over the transfer and maintenance of accrued rights. A meeting of the states concerned was held this year [1950] under ILO auspices and agreements were reached on minimum standards of conditions of work and on coordination of social security schemes. Under the agreements men can transfer from ship to ship and flag to flag and their minimum conditions

¹⁷ For a listing of the conventions proposed and the number of ratifications of each, see 1946-47 *UN Yearbook*, pp. 668-670; 1947-48 *UN Yearbook*, pp. 820-825. See the *New York Times*, July 3, 1948, for the text of an ILO convention guaranteeing the rights of laborers and employers to organize. The ILO General Conference approved this convention on July 6, 1948. ILO's activities are discussed in 1946-47 *UN Yearbook*, pp. 665-683.

in the main been unsuccessful, leaving regulation to be bilaterally negotiated.¹⁵ It is in this connection that one hears much about the "Five Freedoms" of international civil air transport. The "first freedom" is the right to fly across another state's territory; the second permits stops in another's territory for technical or nontraffic purposes, such as repairs or refueling, but not in order to embark or discharge passengers; the third is the right to carry traffic from one's own state into another; the fourth is the reverse of the third—that is, the right to pick up traffic in another state and bring it home; and the fifth, the most controversial of all, is the right to operate in and over various other states and to carry traffic between any two or more of them. There has been reasonably general acceptance of the first two freedoms, which have been embodied in one treaty, but widespread reluctance has been displayed toward an unqualified acceptance of the treaty containing the last three and especially the fifth.¹⁶ The world is still a long way from uniform multilateral regulation of its civil air traffic.

➤ *The International Labor Organization.* Although established as a semiautonomous section of the League system in 1919, the International Labor Organization (ILO) survived the war and the League's demise and has now been brought into relationship with the UN as one of the most important of the specialized agencies. Briefly stated, its purpose is the raising of the level of welfare of labor the world over. Its activities rest on the same premise as do the labor-promotion activities of the United States federal government: the individual state of our union is too small to deal adequately with such problems as those of industrial or agricultural employment and welfare, since these transcend state boundaries; the federal government has been pressed into service because it has jurisdiction over the whole nation and its regulations can be uniform over that area, whereas state regulations cannot. On a world scale the same generalizations apply to ILO; low standards of wages and conditions of work in one country tend, through pressure of international competition, to drive down standards in all countries. In the terms of the ILO Constitution, "Poverty anywhere constitutes a danger to prosperity everywhere." ILO has undertaken the task of trying to raise the standards of the less prosperous countries.

In addition to the information given in the chart on pages 522-523, a unique

¹⁵ A good summary of the problems and attempted solutions is found in the article by Virginia Little, "Control of International Air Transport," in *Int. Org.*, Feb. 1949, pp. 29-40. Other useful sources are: *Aspects of U.S. Participation in International Civil Aviation*, Dept. St. Publ. No. 3209 (GPO, 1948), especially pp. 7-29; *International Civil Aviation 1945-1948*, Dept. St. Publ. No. 3131 (GPO, 1948); and a good informal chapter on the basic Chicago ICAO Conference of 1944 and the varying national points of view there expressed, in Sigrid Arne's *United Nations Primer*, pp. 87-95.

¹⁶ The texts of the treaties referred to above, embodying the Five Freedoms, will be found in *Docs. Am. For. Rels.*, 1944-1945, pp. 607-614; other documents and treaties coming from the 1944 Chicago Conference will be found in *ibid.*, pp. 560-607, 614-630.

was demonstrated by and after both world wars. After the first, a League organization headed by the famed Arctic explorer Fridtjof Nansen undertook the task of facilitating the return of refugees to their homes; it originated, among other things, the "Nansen passport," a document that was quite widely accepted as satisfactory identification for those refugees whose papers had been lost in the wartime shuffle or whose countries of origin had disappeared from the map as a result of the war and its subsequent revolutions.²¹ At the outbreak of World War II there were still one million refugees, and at its end there were some eight million refugees and displaced persons;²² these became charges of the United Nations Relief and Rehabilitation Administration (UNRRA) and the Intergovernmental Committee (IGC), the latter having been established in 1938 to aid the victims of Nazi aggression. More than six and one half million of the eight million persons referred to above had been returned to their homes by early 1947; the remainder became the responsibility of the International Refugee Organization (IRO) when it went into operation, on July 1, 1947. It is worthy of note, incidentally, that IRO, like IMCO, was a direct creation of the General Assembly acting on the advice of ECOSOC.

IRO started operations with more than 1,250,000 persons on its hands; most of them were Poles, Jews, and Balts, but there was a scattering of many other nationalities. Two thirds of them were in camps in the three Western occupation zones of Germany, but others were literally all over the globe (some 14,000 European refugees were in Shanghai, for example). The tasks of IRO were repatriation, identification, care and assistance, legal and political advice and protection, transportation, and resettlement and re-establishment. These basic functions expanded into others; for example, IRO set up hospitals and convalescent homes for its sick "clients," and it provided vocational education, so that skills might be learned or sharpened for the day when camp existence was past and a new life had begun.

During its four years of life, IRO was a major undertaking. It repatriated 73,000 people; although this number is relatively small, it represents all those who desired to return to their homes. Most refugees and displaced persons feared the political or economic conditions in the lands of their origin and preferred to start anew elsewhere. Thus by the time IRO ceased operations, in early 1952, it had resettled 1,040,000 persons. Most of these went to the

²¹ In 1949 Fridtjof Nansen's son published a moving diary account of some years spent in concentration camps in World War II. See Odd Nansen, *Day by Day* (Putnam, 1949).

²² These are not, properly speaking, interchangeable words. Technically, a "refugee" is one who is outside his country of origin or habitual residence because of his victimization by the Nazi, Fascist or Falangist regimes; the enduring nature of the problem involved is graphically illustrated by the fact that another group defined by the International Refugee Organization as refugees consists of those who had that status even before World War II. The "displaced person" is one who has been deported from his home country for racial, political, or religious reasons or to be used as a forced laborer. See 1946-47 UN Yearbook, p. 806. See *ibid.*, pp. 546-550, for details on the creation of IRO. The magnitude of the problem is well and briefly expressed in Hill, *op. cit.*, pp. 419-421.

Established by Assembly resolution in December 1946, UNICEF was given the task of providing at least some assistance for the children of those countries which had been victims of Nazi aggression; its field of action later was broadened to include continents other than Europe.

UNICEF has undertaken a major program of supplementary feeding of milk and fats. Upon application of a government for assistance, UNICEF obtains an agreement by which the government will provide food of caloric value at least equal to that of the food supplied by UNICEF. The local government does not control operations, as was illustrated in 1949, when Hungary was cut off because of its insistence upon the right to spend the available money without UNICEF supervision. The program is financed by contributions of governments (mainly the United States government) and not from the UN budget.

The food program of UNICEF has been a large-scale operation. In its first three years, the organization drew financial contributions from forty-three governments, spent nearly 150 million dollars, gave assistance to expectant and nursing mothers and children in fifty states and territories, shipped to them 160,000 tons of dried milk (of which more than 50,000 tons were bought from the surplus stocks of the United States Department of Agriculture), supplied at least one cup of milk a day to four to eight million children, and supplied cod-liver oil to more than one million German children in the course of an anti-rickets campaign.²⁶ An unforeseen complication in some areas has been the necessity of persuading children or their parents that the milk offered them was really proper for human consumption; in some localities milk as a food was unknown, and in others it had long since disappeared from sight.²⁷ Had it not been for financial limitations, many more persons could have been cared for; as it is the direct beneficiaries of the program have run into many millions.

In addition to food, medical assistance has been made available by UNICEF, partly in conjunction with WHO, against venereal disease, malaria, and tuberculosis. It is planned to test some fifty-nine million persons for tuberculosis; more than twenty-five million have been tested already, and those found uninfected have been vaccinated. A similar campaign is being waged against syphilis and skin diseases. Fifty-seven governments have contributed to the prosecution of this fight in seventy-two states and territories; small wonder that this "emergency" activity has been judged so worth while that it may become a permanent UN feature.

► *The International Trade Organization.* Like IMCO, the International

²⁶ See *UN Bulletin*, Mar. 15, 1950, pp. 256-258; *ibid.*, Aug. 1, 1950, p. 104.

²⁷ Shortly after UNICEF workers in one small Greek village overcame the deep-seated peasant suspicion of canned foods and persuaded two expectant mothers to eat canned dried milk, both gave birth to twins. Since these were the first twins born in that locality in ten years, the canned-foods campaign was said to have suffered a severe setback. *Time*, May 22, 1950, p. 29.

United States, Australia, Israel, and Canada, but smaller numbers went to many other countries. Small wonder that IRO was referred to as "the world's largest travel agency." At its peak, IRO had a staff of nearly 5700, operated a fleet of thirty-nine ships, and ran more than 700 camps; its International Tracing Service had requests to locate 81,000 people who had become lost in the war and was able to give definite information on about 64,000. During its first three years, IRO expended almost 500 million dollars; it cost IRO an average of \$276.30 to resettle one person.²³

By decision of the General Assembly, IRO's existence was terminated in January 1952. A year earlier, also by Assembly provision, a UN High Commissioner for Refugees (UNHCR) had taken office.²⁴ Whereas IRO had been granted a budget running into the hundreds of millions for its expensive maintenance and resettlement programs, UNHCR was given no such large funds; rather, his functions were stated to be the provision of legal protection for the refugees and coordination of the action of national governments in financing and resettling them. However, some measure of assistance along the line of that rendered by IRO was provided by a conference that met in Brussels in late 1951. At the proposal of the United States, the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME) was set up to resettle some 115,000 European refugees in 1952.

Although IRO began operations with more than a million and a quarter refugees, it ended with at least as many to transmit to the care of UNHCR, PICMME, and national governments; yet in the meantime it had moved over one million out of the camps and into new homes. These figures demonstrate pointedly the continuing nature of the problem. The unfortunate fact is that more refugees are being created daily, as people escape from one or another political or military disturbance. It is estimated, for example, that between 1500 and 2000 escape monthly from behind the Iron Curtain. Refugees by the millions have been created in the past few years by the Israeli-Arab war, the Chinese civil war, and the Korean war. The care of refugees is at best a long-term problem, and probably it is a permanent one. For this reason the Assembly has caused the holding of a conference to draft a convention that may provide the machinery necessary for alleviation of this misery.²⁵

➤ *The UN International Children's Emergency Fund.* In one respect the UN International Children's Emergency Fund (UNICEF) does not fit into the picture at this point, for it is not a specialized agency, having only the status of a section of the UN Secretariat. But its functions are so closely allied with those just referred to that passing mention of it should be made.

²³ A good, brief monograph on IRO and the refugee problem is Rene Ristelhueber, "The IRO," *Int. Concil.*, No. 470, Apr. 1951. For an account of IRO's operations to the end of 1950, see *UN Bulletin*, Jan. 1, 1951, p. 28.

²⁴ See 1948-49 *UN Yearbook*, pp. 584-599; 1950 *UN Yearbook*, pp. 580-587.

²⁵ See *Int. Org.*, Nov. 1951, pp. 726-728.

It has been officially estimated that the value of the concessions made to the United States by GATT amount to approximately 1.4 billion dollars annually in terms of the 1939 dollar value of our exports, and that the concessions made by the United States run to about 1.76 billion dollars on the same terms, representing in the latter case seventy-eight percent of our total 1939 imports. The tariff concessions made by GATT are binding at least until 1954 and may be extended beyond that date. GATT also provides agreements on tariff non-discrimination, import quotas, customs formalities, and similar hindrances to the flow of international commerce.

Further bargaining sessions were held at Annecy, France, in 1949; at Torquay, England, in 1950-1951; and again at Geneva in 1951 and 1952. These have resulted in hundreds of bilateral agreements binding or reducing tariffs on literally thousands of items. The net reductions of tariffs since the end of World War II are far larger than is generally appreciated, and thus considerable progress has been made in eliminating what is considered by informed opinion to be one of the most seriously crippling factors in international trade and domestic economic reconstruction.

➤ *The International Telecommunication Union.* As soon as international communication by telegraph became common, problems arose involving construction of lines, settlement of international payment balances, and technical engineering matters. An international union was indicated, and it arose in 1865, when twenty states created the International Telegraph Union; in 1885 this body assumed functions relating to telephonic communications as well. In 1906 came the first Radio-Telegraph Conference, as a result of which twenty-seven states became parties to a basic convention establishing another body, the Radio-Telegraph Union. Finally, in 1932, at a conference in Madrid, the two were amalgamated into the International Telecommunication Union, with jurisdiction over telegraphs, telephones, and radio. The functions of the Union and its central Bureau are those which might be expected from an organization with this name. One major duty (discharged by the International Frequency Registration Board) is the international allocation of radio frequencies so that one country's stations are not continually jamming those of another. Not only are frequencies assigned to a state but they are broken down into bands reserved for various types of use: maritime, commercial, and military. Another function of ITU is to work out agreements by which telephone and telegraph messages may be exchanged across international boundaries.³¹

➤ *The UN Educational, Scientific and Cultural Organization.* "... since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed." Thus in a nutshell is the mission of UNESCO stated; the original words were those of Clement Attlee, but they were taken over by UNESCO and written into the preamble to its constitution. That docu-

³¹ On ITU in general, see 1947-48 *UN Yearbook*, pp. 924-932.

Trade Organization (ITO) has not yet been formally established; but some of its functions are now being carried on by an Interim Commission, which is supported by over fifty members. It has already been a long time a-borning. In 1946 ECOSOC passed an American-sponsored resolution calling for an International Conference on Trade and Employment. This resulted in the creation of a Preparatory Commission, which led to a conference in Havana which drafted the Havana Charter.²⁸ The purposes and objectives of ITO as therein set forth are complex in their details and implications, but the fundamental ones are comprehensible enough. They call for promotion of the economic development of underdeveloped countries, access on equal terms by all nations to the markets and productive facilities that they need, elimination in general of measures disruptive of world commerce, and in particular reduction of tariffs, quotas, and other obstacles to international trade.

Anyone at all conversant with the realities of domestic and international politics will realize immediately the immensity of the task that faces ITO when it attempts a general reduction of tariffs, yet ITO has actually tackled that problem. A long stride in this direction was the negotiation through ITO's Preparatory Commission of the General Agreement on Tariffs and Trade (GATT), at Geneva in 1947. At this meeting twenty-three nations negotiated a total of 123 bilateral agreements reducing tariffs on 45,000 items; these countries in 1939 accounted for three fourths of the foreign trade of the world. Because of the application of the principle of most favored nation treatment, GATT is effectively multilateral in character. It "... represents the most comprehensive action ever undertaken for the reduction of barriers to international trade."²⁹

"From every point of view, the Agreement is unprecedented in scope and importance in the history of international trade. It is a demonstration of the kind of constructive work that the UN can do in the economic field. The Agreement is the first major step to be taken by important nations to reverse the trend toward trade restriction and economic isolation which has persisted throughout the world since the first world war."³⁰

²⁸ The text of the Havana Charter is in Dept. St. Publ. No. 3117 (GPO, 1948); earlier proposed drafts are in Dept. St. Publs. Nos. 2598 and 2728 (GPO, 1946). Important excerpts from the Charter are printed in *Decade of American Foreign Policy*, pp. 391-409; see also "The Restoration of International Trade," *Int. Concil.*, No. 434, Oct. 1947. The United States and England in 1950 and 1951 indicated that they would not press for immediate ratification of the Charter.

²⁹ *Department of State Bulletin*, Mar. 21, 1948, p. 373. The American negotiations at Geneva (and since) were carried on under the authorization of the Reciprocal Trade Agreement Act as passed in 1934 and since renewed. See also 1947-48 *UN Yearbook*, pp. 976-977. Some good background reading on the tariff problem will be found in Hill, *op. cit.*, pp. 366-371 and 376-384; a good summary of the Havana Charter will be found in the same book, pp. 384-389. Further worth-while references are: Clair Wilcox, *A Charter for World Trade* (Macmillan, 1949); and P. W. Bidwell and William Diebold, Jr., "The United States and the ITO," in *Int. Concil.*, No. 449, Mar. 1949.

³⁰ *Analysis of the General Agreement on Tariffs and Trade*, Dept. St. Publ. No. 2983 (GPO, 1947), p. 3.

It has been officially estimated that the value of the concessions made to the United States by GATT amount to approximately 1.4 billion dollars annually in terms of the 1939 dollar value of our exports, and that the concessions made by the United States run to about 1.76 billion dollars on the same terms, representing in the latter case seventy-eight percent of our total 1939 imports. The tariff concessions made by GATT are binding at least until 1954 and may be extended beyond that date. GATT also provides agreements on tariff non-discrimination, import quotas, customs formalities, and similar hindrances to the flow of international commerce.

Further bargaining sessions were held at Annecy, France, in 1949; at Torquay, England, in 1950-1951; and again at Geneva in 1951 and 1952. These have resulted in hundreds of bilateral agreements binding or reducing tariffs on literally thousands of items. The net reductions of tariffs since the end of World War II are far larger than is generally appreciated, and thus considerable progress has been made in eliminating what is considered by informed opinion to be one of the most seriously crippling factors in international trade and domestic economic reconstruction.

➤ *The International Telecommunication Union.* As soon as international communication by telegraph became common, problems arose involving construction of lines, settlement of international payment balances, and technical engineering matters. An international union was indicated, and it arose in 1865, when twenty states created the International Telegraph Union; in 1885 this body assumed functions relating to telephonic communications as well. In 1906 came the first Radio-Telegraph Conference, as a result of which twenty-seven states became parties to a basic convention establishing another body, the Radio-Telegraph Union. Finally, in 1932, at a conference in Madrid, the two were amalgamated into the International Telecommunication Union, with jurisdiction over telegraphs, telephones, and radio. The functions of the Union and its central Bureau are those which might be expected from an organization with this name. One major duty (discharged by the International Frequency Registration Board) is the international allocation of radio frequencies so that one country's stations are not continually jamming those of another. Not only are frequencies assigned to a state but they are broken down into bands reserved for various types of use: maritime, commercial, and military. Another function of ITU is to work out agreements by which telephone and telegraph messages may be exchanged across international boundaries.³¹

➤ *The UN Educational, Scientific and Cultural Organization.* "... since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed." Thus in a nutshell is the mission of UNESCO stated; the original words were those of Clement Attlee, but they were taken over by UNESCO and written into the preamble to its constitution. That does

³¹ On ITU in general, see 1947-48 UN Yearbook, pp

natives in modern agricultural methods, and otherwise attempt improvement of local social-economic conditions.³⁴

UNESCO heeds the requests of member states for technical assistance, and frequently it has sent educational missions to give advice on the reconstruction of local school systems. Like the previous International Institute for Intellectual Cooperation, UNESCO has been much concerned with the nationalistic and militaristic framework and execution of many history textbooks, and it has begun attempts to increase the objectivity of such texts.³⁵ UNESCO has also started a number of inquiries into the distinctive features of various national cultures, with the aim of promoting mutual understanding and tolerance. With somewhat similar purposes in mind it sponsored a conference in 1949 which decided to create an International Political Science Association, in order to encourage the study of political phenomena and the international interchange of data concerning them.³⁶

Many have been worried lest UNESCO engage in so many diverse activities as to be unable to complete any of them well; the Preparatory Commission listed no fewer than 147 projects for it to undertake. Much criticism has been directed at the organization in this regard, and it has been heeded; thus UNESCO is now tending to concentrate on a relatively small number of major practicable projects in which concrete results can be shown fairly rapidly; as its Director-General stated in 1949:

UNESCO must justify the faith which the leaders and the peoples have placed in it. It must, therefore, in my view, concentrate on certain practical tasks that it can complete with the resources at its disposal, and the value and meaning of which is beyond all doubt. Twenty tasks of this sort, carefully carried out, are worth more than a hundred enterprises still in the rudimentary stage.³⁷

³⁴ It may be an indication of the acceptability of UNESCO's efforts in Marbial Valley that two children born there since 1948 have been named Unesco and Unesco. The program is a joint project of UNESCO, the Haitian government, FAO, and WHO. Before accepting all the official pronouncements on the Marbial prospects, one should read Edmund Wilson's "UNESCO at Marbial," *The Reporter*, May 23, 1950, pp. 29-33, and Marian Neal's "UN Programs in Haiti," *Int. Concil.*, No. 468, Feb. 1951, especially pp. 102-118. Here are given some indications of the practical difficulties in the way of improving the lot of a small group (30,000) of impoverished, superstitious, illiterate, isolated, and diseased natives.

³⁵ An interesting statement of this problem, with numerous examples drawn from the textbooks of various countries, is that by David Cort, "War Begins in the Classroom," *UN World*, July 1950, pp. 19-23.

³⁶ See *American Political Science Review*, Dec. 1949, pp. 1252-1255; *ibid.*, Dec. 1950, pp. 961-962.

³⁷ Quoted in *Int. Org.*, Feb. 1950, p. 139. See Byron Dexter, "Yardstick for UNESCO," *Foreign Affairs*, Oct. 1949, pp. 56-67; another critique of UNESCO, together with a summary of many of its administrative difficulties, is given by Charles S. Ascher in "The Development of UNESCO's Program," *Int. Org.*, Feb. 1950, pp. 12-26. A survey of UNESCO activities is given in the 1946-47 *UN Yearbook*, pp. 706-711; the 1948 program of the organization is found in Hill, *op. cit.*, pp. 532-536, and in Dept. St. Publ. No. 3081 (GPO, 1948). For an extreme statement of the "rebuild-the-world-at-once" position, see Julian Huxley, UNESCO:

ment then proceeds to the point that "... ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war. . . ." ³² Building the intellectual defenses of peace is an appealing enterprise, but it demands a great amount of defining and practical planning. Under certain circumstances UNESCO could conceivably prevent a war; at the opposite extreme, it could easily deteriorate into a tea party of proper people making hands-across-the-sea speeches. ³³

A mere listing of part of UNESCO's operations will afford some conception of its field of work. It has purchased and distributed a small amount of war-surplus technical equipment to schools in devastated countries; obtained aid for rebuilding and restocking libraries in such countries; promoted the international exchange of students, teachers, technicians, and others, on the valid theory that, although a visitor to a foreign land may not necessarily learn to love it, he will at least come to understand it and thus will have progressed along the rocky road of learning to live peaceably with it; exchanged art exhibits; sponsored a convention for duty-free importation of educational books and films; brought together experts from fifteen states to draft a Universal Copyright Convention; and started a group of scholars on the compilation of a six-volume history of mankind.

At the initiative of the Brazilian government and with the cooperation of several others, UNESCO is helping to manage the International Institute of the Hylean Amazon. This is a far-reaching project which aims at solution of many of the still puzzling problems of living and working under tropical climatic and other conditions; accordingly it brings together in one research team physiographers, agronomists, biologists, botanists, anthropologists, ethnologists, and others whose specialties may contribute to the common cause. Another undertaking is the "pilot project in fundamental education" which began in the Marbial Valley, Haiti, in 1948. Here again a concerted attack is attempted on a complex problem; the tasks are to clean up water supplies, teach sanitation and public health, teach basic reading and writing, train the

³² See 1946-47 *UN Yearbook*, pp. 712-713; *Decade of American Foreign Policy*, p. 327. One should also read Reinhold Niebuhr's "Theory and Practice of UNESCO," in *Int. Org.*, Feb. 1950, pp. 3-11.

³³ UNESCO does not represent a wholly new idea; it had a counterpart on a very limited and largely unofficial scale during the League of Nations period. A brief summary of this background is found in *The Defences of Peace*, Part II, Dept. St. Publ. No. 2475 (GPO, 1946), pp. 1-8. The old International Institute of Intellectual Cooperation, formerly associated with the League, has been absorbed into UNESCO. On UNESCO, see H. E. Wilson, "International Cultural Cooperation," *Int. Concil.*, No. 415, Nov. 1945; "Learning and Peace," *ibid.*, No. 424, Oct. 1946, pp. 440-468; H. E. Wilson, "Development of UNESCO," *ibid.*, No. 431, May 1947; and "UNESCO 1947-48," *ibid.*, No. 438, Feb. 1948, pp. 71-98. See also 1946-47 *UN Yearbook*, pp. 703-721; and Waldo G. Leland, "The Role and Work of UNESCO," *A.A.U.P. Bulletin*, Summer 1949, pp. 274-297.

➤ *The World Health Organization.* It is doubtful that the world gets more for its money from any other agency than it does from the World Health Organization (WHO) and its manifold activities. In many respects it is the most ambitious of the UN specialized agencies; its constitution outlines no fewer than twenty-two functions, and the preamble takes the broadest possible view of WHO's jurisdiction:

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being. . . . The health of all peoples is fundamental to the attainment of peace and security. . . . Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures.

In order to execute this ambitious program, WHO has taken over the functions and physical property of the old League of Nations Health Section, the Eastern Bureau of Epidemiological Intelligence, in Singapore, and the International Office of Public Health, in Paris.⁴¹

"Geography, language differences, and political boundaries have never been barriers to the free flow of bacteria. . . . Illness, suffering and death throughout history have been remarkably disrespectful of national sovereignty."⁴² Appreciating the ease by which ships can spread disease, the League long ago set up in Singapore what has now become the Epidemiological Intelligence Station; it is managed on an expanded basis by WHO. Several times daily the Singapore radio station broadcasts the latest bulletins on presence and incidence of contagious diseases, which information is received from well over 300 health officers stationed in as many seaports and airports throughout the Far East. Both from Singapore and Geneva epidemiological information is broadcast as to diseases in a ship's port of departure. The Pan American Sanitary Organization is WHO's regional office for the Americas, the Pan Arab Sanitary Bureau at Alexandria serves similarly for the Near East, and there is a regional office for southeast Asia at New Delhi; one is being created for the western Pacific area. Broadcasts are supplemented by various types of printed bulletins.

WHO realized long ago that there were too many diseases in the world to be conquered all at once, and that therefore it would be wise to establish a priority list. Malaria, tuberculosis, and venereal diseases were accordingly selected for initial intensive combat, although not to the total exclusion of such others as smallpox, plague, cholera, yellow fever, and typhus.

⁴¹ See the Report of the U.S. Delegation, *International Health Conference, New York, June 19-July 22, 1946*, Dept. St. Publ. No. 2703 (GPO, 1947), pp. 28-29, 78-80; 1946-47 *UN Yearbook*, pp. 790-793; 1947-48 *UN Yearbook*, pp. 911-916; *Int. Org.*, Aug. 1950, p. 502.

⁴² From a speech by William Benton, "A New Instrument of U.S. Foreign Policy," reprinted in Hill, *op. cit.*, pp. 410-411.

➤ *The Universal Postal Union.* The aristocrat of the international administrative agencies is the Universal Postal Union (UPU). It is the oldest of them all, tracing its lineage back to the General Postal Union of 1863, which was superseded in 1875 by the present UPU. The "Universal" in the title is no mere advertising claim; no other international organization can claim nearly so many participants, since the UPU includes within its membership almost every state and territory in the world. The reason for this large membership is simply that the advantages of belonging to UPU are so great and so obvious.

In pre-UPU days one desirous of mailing a letter to a foreign country made his own arrangements and took his own chances with transoceanic and foreign mail systems, and the ensuing confusion was one of the wonders of the world.³⁸ UPU's Convention ended this situation simply by declaring that the postal systems of member states are to be regarded as one postal unit; thus mail dropped in a postbox in country A will bear its stamps and A will receive the revenue; states B, C, and D, across which it passes en route to its destination, will handle it as they would their own, and state E will deliver it to the addressee.³⁹ No detailed accounting is made by states B, C, and D of how many pieces of A's mail they carry daily; but one two-week period every three years is set aside for a spot check to determine the volume of mail each transports for the others, and payments are made on the basis of the poundage carried during that period. The system works so smoothly that most citizens are never even aware of its existence. The long and efficient record of UPU gives testimony to the fact that nations can and will cooperate with one another when the selfish and mutual advantages of so doing are sufficiently apparent. UPU is so useful that even the Soviet Union belongs to it.⁴⁰

Its Purpose and Its Philosophy (Public Affairs Press, Washington, 1948), *passim*, but especially pp. 13, 26, 28, 29, 46, 47, and 69. The U.S. National Commission for UNESCO was set up pursuant to the congressional joint resolution which authorized the President to accept membership in UNESCO. Composed of 100 representatives of learned societies, government officials, and others, it advises the State Department and the United States delegations to UNESCO meetings. The text of the law creating it and other useful documents will be found in *U.S. National Commission for UNESCO: Report on the First Meeting, Sept. 1946*, Dept. St. Publ. No. 2726 (GPO, 1947).

³⁸ See John F. Sly, "The Genesis of the Universal Postal Union," *Int. Concil.*, No. 233, Oct. 1927.

³⁹ In late 1950 UPU issued a new directory listing all post offices in the world; it replaces a 1937 edition. *UN Bulletin*, Nov. 1, 1950, p. 434. The UPU Convention is in 1947-48 *UN Yearbook*, pp. 893-906.

⁴⁰ Only two other specialized agencies can make this claim: the International Telecommunication Union and the World Meteorological Organization. The USSR originally belonged to WHO, but has withdrawn. It is an interesting commentary on the Soviet Union's professed championing of the cause of impoverished and downtrodden humanity that it participates in few if any UN activities designed to improve humanity's lot. In 1951 at a meeting of ECOSOC the American representative, Mr. Isador Lubin, wearied of Russian allegations that the money spent for rearmament should have been devoted to some form of social welfare, and asked a series of questions: how much has the USSR contributed to such welfare organizations as IRO? WHO? UNICEF? The answer in each case was: "Not one red ruble."

soon literally tons of plasma, vaccines, and other supplies (to say nothing of medical personnel) were streaming into Egypt by plane from China, the United States, the Soviet Union, Australia, Belgium, Brazil, the Union of South Africa, and a dozen other states. This epidemic, which at its peak spread at a rate of more than 1000 cases per day and caused 3000 deaths per week, was brought under control in six weeks and ended in fourteen. The cry of "cholera" has struck cold terror into many a heart through the ages, but in this instance not a single case spread to neighboring countries, and the mortality was seven times lower than in the preceding epidemic. Seldom if ever has there been so dramatic an illustration of the ability of nations to work together.⁴⁷ Yet less than two years after this episode, in 1949, the Soviet Union, shortly followed by its satellites, withdrew from WHO, stating that the organization was not accomplishing the purposes for which it was set up and that its expenses were unbearably heavy for the member states. It was generally assumed that these were but pretexts, and that the true reason was the Russian fear that any foreigner was a capitalist spy and not, as he might pretend to be, a WHO physician.

The list of WHO functions is by no means exhausted. WHO has established working liaison with regional public-health services, such as the Pan American and Pan Arab services, already mentioned; it has an ambitious publication program; it provides numerous fellowships (about 250 in 1950) and similar grants for international interchange of technical personnel; it has interested itself in the problem of drug nomenclature, its aim being that a drug of one name will have the same ingredients and potency wherever sold, and in 1950 it published the first edition of an International Pharmacopoeia; it sponsors basic research aimed at the ultimate conquest of disease. Although its initial emphasis was on relatively short-term projects, such as those mentioned concerning malaria and tuberculosis, in 1952 WHO added a program that could bear fruit only after a longer period: improvement in nutrition, mental health, and environmental sanitation. Americans may not appreciate the importance of the last item, for diseases spread by impure milk or water are rare in modern days; but the Director-General of WHO has estimated that three fourths of the rest of the people in the world suffer from diseases traceable to or transmitted by unsanitary sewage disposal, unsafe water supplies, inadequate care of milk, or uncontrolled rodents and insects.

➤ *The World Meteorological Organization.* The last of the specialized agencies will be disposed of fairly briefly. Most of us know that meteorologists are trying to do something about the weather by way of prediction if not of control, and that the weather that we have today started in some distant place days or weeks ago. It is therefore apparent that meteorological observations and exchange of meteorological data over the largest possible area is a

⁴⁷ See "The World Health Organization," in *Int. Concil.*, No. 437, Mar. 1948; see also "World Health and World Politics," by C. E. Allen, in *Int. Org.*, Feb. 1950, pp. 27-43.

There are an estimated 300 million annual cases of malaria in the world. It kills about three million persons a year and it incapacitates millions more, yet it can be controlled by spraying of DDT. Concrete results in this matter were obtained by a WHO mission to Italy, which reduced the number of malaria deaths from 386 in 1945 to 285 in 1946 to 93 in 1947, and by the end of 1949 the disease was nearly wiped out in Italy. Thailand has been completely rid of malaria. In Greece, which had averaged over one million cases yearly, the incidence was reduced by 80 percent by 1948, and it was estimated that the malaria-control program there had saved more than thirty million man-days in agricultural work alone.⁴³ This is one of the projects, previously referred to, in which WHO and FAO properly work side by side.

The second major point of attack, tuberculosis, kills between four and five million people a year, but it too can be controlled. The antituberculosis campaign has been jointly conceived and promoted by WHO and UNICEF, together with the Danish Red Cross and its Scandinavian associates. This campaign aims at testing some 100 million children (half of them in Europe) and immunizing with BCG vaccine those who show a negative reaction.⁴⁴ Tuberculosis claims 500,000 lives annually in India, but it was not practicable to ship BCG from Europe to the Far East; therefore WHO experts set up a laboratory in Madras for its production and then trained Indian personnel to operate it.⁴⁵

As to venereal diseases, figures on incidence and mortality are largely educated guesses; one official estimate of the mortality from syphilis simply places the figure at "millions" and states that the annual rate of acquired infections is somewhere between twenty and 100 million. Figures for gonorrhea run two or three times higher.⁴⁶ Although more difficult to control, these diseases need not be allowed to run riot, and WHO is attacking them with the same vigor shown in other instances.

In September 1947, WHO learned from the Egyptian government of the outbreak of cholera in that country. WHO swung into action at once, and

⁴³ See 1947-48 *UN Yearbook*, p. 912. Malaria-control teams of WHO work in many other countries as well; see *Int. Org.*, Nov. 1950, p. 684.

⁴⁴ BCG (*Bacillus Calmette-Guerin*) has been used for a long time in Europe, but not until comparatively recently in the United States. It is worthless or worse when administered to one who has tuberculosis, but it is 80 percent effective as a preventive for those who have not been exposed. Someone has calculated that it cost some \$245,000 to kill an enemy soldier in World War II, but that it costs only about ten cents for the BCG that may save one life.

⁴⁵ Until 1950, BCG was available only in liquid form, which, to be effective, must be used within ten days of production; hence the laboratory in Madras. In 1950, however, BCG in powdered form was perfected, and it is effective for one year after production.

⁴⁶ See 1947-48 *UN Yearbook*, p. 914. Further information on WHO activities is available in the monthly *WHO Newsletter*; see, for example, the summary for 1950 in the Jan. 1951 issue. WHO has started a program, conducted and financed jointly with UNICEF and the Haitian government, which in 1950-1952 attempted to inject with penicillin every one of Haiti's 3,500,000 inhabitants in the hope of wiping out venereal disease, which infects 25 percent of the population, and yaws, which infects 85 percent.

own efforts, to produce more food, more clothing, more materials for housing, and more mechanical power to lighten their burdens.

We invite other countries to pool their technological resources in this undertaking. . . . This should be a cooperative enterprise in which all nations work together through the United Nations and its specialized agencies wherever practicable. . . .

The old imperialism—exploitation for foreign profit—has no place in our plans. . . .⁴⁹

To the evident surprise of even its authors, this "Point Four" proposal was immediately seized upon and discussed with great interest the world over.

The President's phraseology notwithstanding, his program was not exceedingly bold and not very new. As to its boldness, some states assumed on January 20 that huge sums of money would forthwith pour into them from the United States and that before the torrent had ceased the African jungles and Asiatic deserts would be dotted with TVA's and Pittsburghs. Such ideas were soon dissipated, however. The State Department's original estimates of expenditures (which were cut still further by Congress) suggested appropriations amounting to only about 1 percent of those for the Marshall Plan. Secondly, it was speedily made clear that the United States conceived the program in terms of supplying technical assistance—experts, physicians, engineers, advisers—and that the financial arrangements would be made primarily by the states receiving the aid.⁵⁰ Actually, the first appropriation made by Congress, for fiscal 1951, amounted to a modest thirty-five million dollars, which was to cover both Point Four expenditures by the United States and the American contribution to the UN Technical Assistance Program. However, since the states aided put in at least three dollars to each one from the United States, and since the program was devoted to hiring experts rather than to purchasing costly supplies, the money went further than might have been expected.

The Point Four program was new only in the particular form that it took. The United States Export-Import Bank, the Institute of Inter-American Affairs, and other organizations had for years been carrying on Point Four programs without calling them that.⁵¹ The program was not even new to the UN. No

⁴⁹ Text in *Department of State Bulletin*, Jan. 30, 1949, pp. 123-126. The President's first three points were "unflinching support of the UN and related agencies," continuation of world economic-recovery programs, and strengthening of free nations against aggression.

⁵⁰ See the speech of Willard L. Thorp to ECOSOC on February 25, 1949, *Department of State Bulletin*, Mar. 6, 1949, pp. 283-288; also *United States in World Affairs, 1949*, pp. 91-104, 332-349.

⁵¹ See *Point Four*, Dept. St. Publ. No. 3719 (GPO, 1950), pp. 129-144, for a summary of activities of the United States along the lines mentioned. This publication provides a detailed statement of the nature and objectives of Point Four, with considerable supporting economic and statistical information. Since 1950 the Organization of American States has set up a technical-assistance program of its own, although on a very limited scale financially. In 1951 the "Colombo Plan" went into effect for the British Dominions and other states in southeast Asia. Taking its name from a conference of Commonwealth Foreign Ministers held at Colombo, Ceylon, in January 1950, this plan anticipates mutual economic aid among the countries mentioned, along lines much the same as those of the Point Four program; it sets

great advantage and that international action is indicated. Such action has, as a matter of fact, been a subject of international discussion ever since a Brussels conference in 1853, and in 1878 the International Meteorological Organization was formed, which was for many years an association of the directors of national meteorological services with nearly universal membership. In 1939 the IMO decided to transform itself into an intergovernmental organization—that is, the members would be states rather than individuals; the result was the creation of the World Meteorological Organization (WMO), which later came to be related with the United Nations. The present Convention of the WMO came into force in 1950, having been ratified by the requisite thirty states, including the United States.⁴⁸

The purposes of the organization are facilitation of a large network of observation stations and interchange of data; standardization of observations and uniform publication of their results; and promotion of research and training in meteorology. Specifically, in the last few years WMO has been attempting to achieve international comparison of meteorological instruments, better standardization of observations, and increased exchange of information; it has stressed the need of collaboration between itself and ICAO and ITU.

It will be apparent from the foregoing pages that all ten of the present specialized agencies have at least one thing in common: all are contributing their particular skills to an attack on significant socio-economic problems confronting the world. Individually and as a team they have some major accomplishments to their credit already, and far greater results can be expected when long-range projects come to fruition. It now becomes our task to examine briefly another type of approach to some of the same world difficulties—an approach that employs many of the same agencies.

"POINT FOUR" AND THE UN TECHNICAL ASSISTANCE PROGRAM

➤ *President Truman's "Point Four."* In his inaugural address on January 20, 1949, President Truman stated four features of American foreign policy, of which the fourth was as follows:

... We must embark on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of under-developed areas. . . .

I believe that we should make available to peace-loving peoples the benefits of our store of technical knowledge in order to help them realize their aspirations for a better life. And, in cooperation with other nations, we should foster capital investment in areas needing development.

Our aim should be to help the free peoples of the world, through their

⁴⁸ The WMO convention was signed in 1947; the United States ratified in 1949. The text is in *Docs. Am. For. Rels.*, 1949, pp. 424-430.

one can have read the preceding pages of this chapter without having realized that technical assistance in one form or another has for years been the stock in trade of the Secretariat and the specialized agencies.⁵² It is for this reason that the UN activities added in 1949-1950 are referred to as "the expanded technical assistance program," with the emphasis on the first adjective.

➤ *Technical Cooperation.* Although at first blush the Point Four program may appear to be another Marshall Plan, it actually is not. The Marshall Plan involved sending (mainly to Europe) vast amounts of foodstuffs, machinery, farm equipment, fuel, and raw materials. Point Four involves infinitely less expenditure, and the sending not primarily of machinery and foodstuffs but of knowledge and technique, in the form of agronomists, public-health experts, teachers, food processors, engineers, veterinarians, fishery experts, experts in public administration (taxation, customs, and civil service), and a host of others, and sending them to the non-European underdeveloped countries. At the start of 1952 there were 216 Point Four projects in operation in thirty-four countries in Latin America, Asia, the Middle East, and Africa; on the job were 619 American technicians.⁵³ The variety of activities undertaken was well described by an American newspaper correspondent:

... the Point Four program defies detailed analysis in any abbreviated form. It is power and irrigation dams costing thousands of dollars. It is a small tube of aureomycin ointment costing 8 cents with which 70,000 pairs of eyes are treated in Indo-China each month.

Point Four means heavy, land-moving tractors, steel-tipped plows and Diesel locomotives. It means also knitting needles, a community radio receiving set and a doctor's scalpel. But for the most part, Point Four means people and American know-how.⁵⁴

➤ *Administration of Point Four.* Although Point Four's initial appro-

forth a six-year, 5.23-billion-dollar program covering such matters as increasing the food supply and improving irrigation. See John R. E. Carr-Gregg, "The Colombo Plan," *Int. Concil.*, No. 467, Jan. 1951; also "Asiatic Aid Begun by Commonwealth," *New York Times*, July 1, 1951, p. 8. The United States has indicated its approval of the Colombo Plan and has cooperated in its development.

⁵² As another evidence of UN's early start, see *Technical Assistance for Economic Development*, UN Sales No. 1948.II.B.2 (UN, Lake Success, 1948).

⁵³ See *What is Point Four?*, a speech delivered by Secretary of State Acheson in January 1952, Dept. St. Publ. No. 4487 (GPO, 1952), p. 2. The entire speech is worth reading, not so much for its exposition of Point Four as for its excellent statement of motivation: the provision of a stable economic and political base for other countries, on the theory that if they are reasonably prosperous they are peaceful and that our self-interest demands peace. The Secretary expressed the same thought in another speech in November 1950; see *Docs. Am. For. Rels.*, 1950, p. 14.

⁵⁴ Felix Belair, Jr., "Point Four Bringing Hope to Many Distressed Areas," *New York Times*, Apr. 20, 1952, p. E5. Reprinted by permission of the *New York Times* and Mr. Belair. For case studies of three Point Four missions, see *Point Four Pioneers*, Dept. St. Publ. No. 4279 (GPO, 1951). Another Point Four project is the Imperial Ethiopian College of Agriculture and Mechanical Arts, to be established in Ethiopia and managed jointly by the United States government and Oklahoma A. and M. College. See the *New York Times*, June 15, 1952, p. 18.

priation was small, for the fiscal year 1952 some 200 million dollars was set aside for this and for the American contribution to the parallel UN program, of which more will be said in a moment. The program has been run by the Technical Cooperation Administration in the Department of State, which, however, by the Mutual Security Act of 1951 was brought under the coordinating jurisdiction of the Mutual Security Agency.

➤ *Origins of the UN Program.* Both the Preamble and Article 1 of the Charter made the solution of economic and social problems prime tasks of the UN. The very first Assembly, cognizant of this responsibility, and "... considering that some Member nations may need expert advice in the various fields of economic, social and cultural development..." referred to ECOSOC in 1946 the problem of finding ways and means to grant the necessary assistance. Thus from the very beginning the UN has been alive to its social-technical-economic duties to the world.

In two resolutions of 1948 the Assembly asked ECOSOC to study the problem of economic development and authorized the Secretary-General to send teams of experts, arrange fellowships for foreign training, and assist governments in obtaining technical personnel and equipment. The policy was laid down that the countries requesting aid should do as much as possible of the work themselves, that the assistance should not represent foreign interference in domestic matters, that it should be given only through governments, and that it should be designed to meet local needs.⁵⁵ Stimulated by these resolutions, ECOSOC asked the Secretary-General to report on the measures already devised along the lines of technical assistance. When completed, this report well exemplified the manifold technical activities of the UN.⁵⁶

➤ *The Technical Assistance Conference, 1950.* In June 1950 a UN Technical Assistance Conference met, attended by delegates from forty-six UN member states, from 9 that belonged to one or another of the specialized agencies but not to the UN, and from ten of the agencies themselves. The Conference approved the expanded Technical Assistance Program (TAP), and delegates pledged a total of about twenty million dollars for operating the program through 1951. This budget was allotted as follows: to UN, 23 percent;

⁵⁵ Text in *Int. Concil.*, No. 452, June 1949, pp. 487-489. Some of the activities of the Secretary-General under this authorization are discussed by E. R. Henson in Clyde Eagleton, *1949 Annual Review of UN Affairs* (New York University Press, 1950), pp. 217-231. See also *1947-48 UN Yearbook*, pp. 656-661; *1948-49 UN Yearbook*, pp. 432-458. A very good statement of the personal and political problems confronting UN expert missions is that by Peter and Dorothea Franck, "Implementation of Technical Assistance," *Int. Concil.*, No. 468, Feb. 1951, pp. 61-80. The first UN mission was that to Haiti in 1948. See *Mission to Haiti: Report of the UN Mission of Technical Assistance to the Republic of Haiti*, UN Sales No. 1949.II.B.2 (UN, Lake Success, 1949); also Marian Neal, "UN Programs in Haiti," *Int. Concil.*, No. 468, Feb. 1951, especially pp. 81-102. For a report of another mission, see Albert Lepawsky, "The Bolivian Operation," *Int. Concil.*, No. 479, Mar. 1952.

⁵⁶ See *Technical Assistance for Economic Development: Plan for an expanded cooperative program through the UN and the specialized agencies*, UN Sales No. 1949.II.B.1 (UN, Lake Success, 1949).

to FAO, 29 percent; to WHO, 22 percent; to UNESCO, 14 percent; to ILO, 11 percent; and to ICAO, 1 percent. These sums will be in addition to regular UN budgets for normal operations. The United States pledged twelve million dollars, on condition that its contribution should not exceed 60 percent of the total. This money comes from appropriations for the Point Four and related programs.

➤ *The Technical Assistance Board and the Technical Assistance Committee.* The administrative machinery had been agreed upon in 1949 by the Assembly.⁵⁷ The Secretary-General was to establish (through the Administrative Committee on Coordination) a Technical Assistance Board (TAB), to consist of the executive heads of the specialized agencies participating in the program, with himself as chairman.⁵⁸ TAB is the agency to which requests for assistance are submitted, and it makes the decisions as to which shall be granted. It in turn reports to the Technical Assistance Committee (TAC) of ECOSOC, which consists of all the members of the latter. TAC is designed as a supervisory, policy-making body which decides disputes passed up from TAB and acts in general as ECOSOC's right-hand man in administering the program.

➤ *National vs. International Action.* It appears that both the Point Four and the UN technical-assistance programs are to go along side by side and in some cases hand in hand. There has been considerable argument as to whether the United States should "go it alone" in this matter or cooperate fully with the UN. On behalf of the former plan it is argued that one government can develop and execute a program expeditiously, whereas the UN may delay. To this there is doubtless some truth, although the United States has been in no great hurry to implement its own program. On behalf of the UN approach there are other arguments beyond the general one of the desirability of channeling all international programs through the UN and thus developing the habit of international joint action. There is probably less danger of old-fashioned imperialism and political domination when loans are made by an international agency than when one state makes the loans, and the UN obviously can draw upon more funds and tap more reservoirs of technical skills than can any one state. United States policy thus far has kept one foot in each of these camps.

➤ *Private vs. Governmental Loans.* Another major problem, as yet unsolved, has to do with the source of the immense amount of capital that must ultimately be found for some features of the industrial-development programs.

⁵⁷ See *Int. Org.*, Nov. 1949, pp. 761-771; *ibid.*, Nov. 1950, pp. 710-713. The whole TAP demonstrates the functioning of UN machinery: the basic work on its formulation was done in the Secretariat and a subcommission of the Economic, Employment and Development Commission (since abolished) of ECOSOC. The subcommission's work went through the commission and ECOSOC to the Assembly, which after making further revisions took final action.

⁵⁸ Because of their highly specialized functions, UPU and ITO are not involved in the program or represented on TAB. The other agencies do participate.

There has been no agreement as to whether this capital should come from governments, or from private investors, or from some combination. If governments loan to other governments, interposition of political conditions is likely. On the other hand, before private investors send their money abroad they are likely to demand advance guarantees against expropriation, discriminatory taxation, and currency restrictions that would prevent them from bringing home their profits. President Truman recommended to Congress in 1949 that a scheme be worked out by which the government would guarantee investors against loss; but so much opposition developed to this proposal as to force its abandonment, at least temporarily. There is much to be said in theory for loans through an international institution such as the UN, because contending political thrusts within it might tend to neutralize one another, but it remains to be seen whether individuals or governments will be willing to make the necessary amounts of capital available to such a body.

➤ *Motivation.* Besides the obvious humanitarian motives of Point Four or TAP, what is there to commend such a program, from the point of view of the United States? Two replies may be made. (1) At least three fifths of the world's population lives in underdeveloped areas in which the per-capita annual income averages less than 10 percent of that of the United States. It is to such people as these that communism can most easily appeal; where the present is abjectly impoverished and the future no brighter, the promise of pie in the sky is nearly irresistible. It does no good to rant and rave against communism; what one says may be true enough, but it will carry little conviction to that man who cannot remember his last square meal. Affirmative action through Point Four and TAP may well cut the ground out from under communism by raising the standard of living to a reasonably satisfactory point. (2) From the purely financial point of view, TAP or Point Four can be worth many times the dollars invested. Although it is often maintained that industrialization of underdeveloped countries is naught but foolhardy subsidization of potential competitors, the fact of the matter is that the best customers of the United States are the highly industrialized areas. Primitive states have little wherewithal to buy American exports. For example, during the years 1936-1940 (these being presumably something like "normal") the value of exports by the United States to western Europe was \$5.80 per capita, whereas the corresponding figure for the underdeveloped African continent was only \$.70. A Point Four program for Africa might well be profitable for American manufacturers.⁵⁰

⁵⁰ An incidental advantage of such programs was pointed out by James Reston, "Point Four: Purposes and Prospects," *New York Times*, June 26, 1949, p. E5: Of late years the United States had been dependent mainly upon the Soviet Union for supplies of manganese, which is essential to the steel industry, among others. However, an expert sent to Brazil on a technical-assistance mission by the U.S. Geological Survey discovered large manganese deposits there, and others have since been found. Such discoveries are strategically important to American defense.

► *The Future of TAP.* Even before TAP could be said to have moved into high gear, the UN could report that by 1952 forty-five governments had signed 252 agreements for some form of technical assistance, which together with the numerous fellowships, seminars, and other activities of TAP indicated a considerable degree of initiative. However, at the sixth Assembly (1951-1952), although fifty-one governments pledged aid to TAP, their total pledges amounted to only 18.8 million dollars. A major burden is laid upon the UN, not only because the Secretariat must function where there is no specialized agency but also because the task of coordinating all the people and organizations involved is immense.⁶⁰

Some there are who gloomily predict complete failure for the entire TAP; only time and experience can vindicate or disprove them. In this connection wise words were spoken in the Assembly by the outstanding New Zealand diplomat Sir Carl Berendsen: "Fine words butter no parsnips. Fine words fill no stomachs. . . . Amongst the greatest fallacies of our time is the apparently unshakable belief that, once you have passed a resolution, you have done something. . . . The aim of this Organization clearly must be words followed by deeds."⁶¹ Certainly if the Technical Assistance Program is implemented by men of vision, wisdom, and efficiency, great glory will be reflected upon the UN; and by the same token, the discredit resulting from a botched job would be exceedingly hard to live down.

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⁶⁰ Some of the difficulties that arise in this connection are well pointed out by Annette B. Fox in "President Truman's Fourth Point and the UN," *Int. Concl.*, No. 452, June 1949, especially pp. 471-485. Machinery is also being developed for correlation, not only of the specialized agencies, which is difficult enough, but also of the UN regional economic commissions, the Point Four administration, the allied program of the Organization of American States and the Colombo Plan.

⁶¹ Quoted in "Technical Assistance for Economic Development," *Int. Concl.*, No. 457, Jan. 1950, p. 4.

THE INTERNATIONAL COURT OF JUSTICE

FOR CENTURIES STATESMEN and dreamers alike have envisioned a day to come when nations would dwell under a "rule of law," just as individuals do. Little by little progress has been made toward the ideal condition in which international disputes will be settled by courts of justice rather than by the force of the militarily strong. Gradually there has been constructed a fairly inclusive although never complete network of bilateral and multilateral treaties providing for arbitration and judicial settlement; and, largely unknown to the general public, literally hundreds of international disputes have been settled by the means provided by these treaties.

INTERNATIONAL LAW AND CODIFICATION

A major weakness of international law is the fact that there is no international lawgiver with powers comparable to those of a national legislature. However, two practices help plug this gap: first, there have been, in the past century, an impressive number of international conferences that have drafted "law-making treaties"—that is, treaties that lay down with considerable precision the law on one subject or a group of related subjects.¹ Here is a legislative process in action. Secondly, one should not assume that law can be made only by a legislature; this mistake should certainly not be made by Englishmen or Americans, who live under the common law. The very origin and growth of this judge-made law is proof that law can be made by courts as well as by legislatures. On the international level, too, courts have for many years been building up what is by now a fairly impressive body of case law.

➤ *The Nuremberg Trials.* The most dramatic recent example of judge-made law on the international level is found in the hotly debated Nuremberg trials of German war criminals, after World War II. The whole procedure of these trials has been roundly condemned by many as constituting an *ex post facto* travesty on justice, and it has been just as ardently supported by others as representing the making of an international common law. The victors could,

¹ For concrete evidence of accomplishments along these lines, consult Manley O. Hudson's seven-volume compilation entitled *International Legislation* (Carnegie Endowment for International Peace, Washington, 1931-1941), in which hundreds of such treaties are reprinted.

of course, have subjected the vanquished to the same type of summary punishment that the Nazis could have been expected to employ, but they would thus have sunk to the moral level of the Nazis. Mr. Justice Jackson, the United States prosecutor at Nuremberg, expressed this enlightened point of view succinctly by calling these trials "... one of the most significant tributes that Power has ever paid to Reason."² As will be indicated shortly, the General Assembly has taken steps to bring about the codification of the law employed or established in these proceedings.

➤ *Is International Law Really Law?* The question of whether international law is really law is an old one that is often encountered by international lawyers. The nationalist tends to scorn international law, on the ground that since it is often violated it is not true law but at best a series of international moral precepts. The truth of much, but by no means all, of this allegation may be granted. If this statement were entirely true and of general application, it would be equally accurate to say that there is no national law prohibiting murder or burglary. These laws too are often violated, and not infrequently with impunity. We have yet to learn of any law that is perfectly enforced. If, however, law be defined (as it often is) as a rule of conduct that is habitually obeyed, international law has a just claim to the name "law," even though the most enthusiastic international lawyer would not maintain that his system of law approached national law in inclusiveness and rounded development.

➤ *Law Enforcement.* It is apparent that there is no international police force ready and able to punish lawbreakers. But it should be remembered that, although the government of the United States can, to be sure, call out physical force to back up its courts' decisions, it seldom does. The decisions of the Supreme Court are executed, although sometimes with much grumbling, by legislatures and individuals alike, and yet the Supreme Court commands no single soldier or sheriff. In other words, law enforcement is not only a matter of physical force but also a matter of habit and frame of mind, which we have cultivated nationally but very little internationally. It should also be recalled in this connection, as noted in the chapters on the Security Council and the General Assembly, that these two bodies under certain circumstances may apply economic or military sanctions to a lawbreaker.

Retaliation is a sanction that must never be overlooked. On more than one occasion, state A has refrained from undertaking an illegal or unethical action against state B not because any court existed to prevent or punish such

² See Robert H. Jackson, *Report of the United States Representative to the International Conference on Military Trials*, Dept. St. Publ. No. 3080 (GPO, 1949). Supporting the same general point of view are two excellent articles: Max Radin, "Justice at Nuremberg," *Foreign Affairs*, Apr. 1946, pp. 369-384; Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs*, Jan. 1947, pp. 179-189. A good factual summary of the trials will be found in "Nuremberg Trials," by Telford Taylor, in *Int. Concl.*, No. 450, Apr. 1949, especially pp. 243-271 and 336-347.

action but because of the certain foreknowledge that state B could retaliate in the same or other matters. This is not a matter of international law or even of morality, but simply of tough-minded calculation that the price is too high. The possibility of retaliation does, nevertheless, act as a very real restraining force in relations between nations.

➤ *Codification.* Manifestly a court system cannot function at anything approaching maximum effectiveness in the absence of a reasonably definite body of law, and the widespread recognition of this fact has impelled numerous individuals and associations to attempt a codification of one or more aspects of international law. Attempts were made in this direction by agencies of the League of Nations, but they largely failed. In an earlier chapter reference has been made to the efforts of the Organization of American States along this line. More recently the United Nations has begun to join in this work.³ The Preamble to the Charter sets forth as one of the aims of the organization "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained"; Article 1(1) states one of the organization's purposes to be the settlement of international disputes "in conformity with the principles of justice and international law"; and Article 13 lays upon the General Assembly the duty of initiating studies and making recommendations "... encouraging the progressive development of international law and its codification."

➤ *The International Law Commission.* In execution of the last mandate quoted above, the Assembly in 1947 established an International Law Commission (ILC), to consist of fifteen experts who were to serve in their individual capacities rather than as governmental delegates. The Commission was ordered to "... survey the whole field of international law with a view to selecting topics for codification, having in mind existing drafts, whether governmental or not."⁴ The Assembly also reserved the right to submit in future specific proposals for study with a view to their possible codification, and it has done so on several occasions. In 1951 the Commission recommended to the Assembly that its members be appointed for terms of six to nine years and required to devote full time to their functions; this was suggested largely because the Commission's long-range codification projects have been seriously delayed by the Assembly's frequent requests that they be laid aside in favor of some particular piece of research.⁵

³ See A. H. Feller. "We Move, Slowly, Toward World Law." *New York Times Magazine*, June 5, 1949, pp. 10 ff. See also Clyde Eagleton, *International Government* (Ronald, rev. ed., 1948), pp. 207-216.

⁴ For the text of the Assembly's organic resolution of Nov. 21, 1947, and of the ILC Statute, see 1947-48 *UN Yearbook*, pp. 210-213; also 1948-49 *UN Yearbook*, pp. 32-33, 945.

⁵ For example, when in 1948 the Assembly approved the genocide convention and opened it for signature, it asked the ILC to study the question of the desirability of establishing an international judicial organ for the trial of persons accused of genocide. 1948-49 *UN Yearbook*, pp. 959-960. In 1950 the ILC stated as its opinion that it was both possible and

The Assembly elects the Commission's fifteen members from lists of nominees submitted by the member states, each of which is entitled to nominate four, not more than two of them being its own nationals. The first election took place in 1948, and in 1949 the Commission held its first meeting.⁶ Although the Commission's Statute fixes its members' terms at three years, a 1950 Assembly resolution extended the terms of current members to 1953, largely because the group had gotten off to a rather slow start.

The International Law Commission functions through its meetings and the interim researches of its members. Having arrived at a definite proposal of codification, it may submit the draft to the Assembly with the recommendation that a special conference be called to act on it, or the Assembly itself may submit the project directly to member states for ratification.

One of the duties laid upon the Commission was in accord with an Assembly resolution of 1947, under which the Commission was to formulate the principles of international law that had been recognized by the Charter of the Nuremberg Tribunal (that is, the agreement on the basis of which the Tribunal was constituted and the Nazi war criminals brought to trial) and by the judgment of that Tribunal. The Commission was further directed to "prepare a draft code of offences against the peace and security of mankind, indicating clearly the place to be accorded to the principles . . ." of Nuremberg.⁷ The first of these tasks was completed in 1950 and the other in 1951; action in the Assembly has been delayed pending consideration of the drafts by the member states.⁸

In 1949 the Commission drew up a Draft Declaration of Rights and Duties of States, which by its very nature would be basic to further codification. After considering the Draft the Assembly sent it on to member states for their approval. In the Draft Declaration there are enumerated certain basic rights of states, such as rights to independence, to jurisdiction over territory and persons in it, to equality in law, and to individual or collective self-defense against armed attack. Quantitatively, greater stress is laid on the

desirable that such a court be established, but not as a section of the International Court of Justice; in 1951 it recommended the establishment by treaty of an International Criminal Court. *UN Bulletin*, July 1, 1950, p. 19; *Int. Org.*, Nov. 1951, pp. 734-735. In 1950 the Assembly gave the ILC the task of studying the extremely difficult problem of the effect of reservations to multilateral treaties; at the same time the Assembly asked the International Court of Justice for an advisory opinion on the effect of reservations to the genocide convention. This matter will be discussed later, in conjunction with the Court's advisory opinion on the subject.

⁶ The Chairman elected by the Commission at this first meeting was the prominent American international lawyer, Prof. Manley O. Hudson.

⁷ Text in 1947-48 *UN Yearbook*, pp. 214-215; see also 1946-47 *UN Yearbook*, p. 254, and Georges Scelle, "Review of Work of Law Commission," *UN Bulletin*, Sept. 1, 1950, pp. 199-201.

⁸ The text of the formulation of the Nuremberg principles is in *Int. Org.*, Nov. 1950, pp. 714-721; that of the draft code of offenses against peace and security is in *ibid.*, Nov. 1951, pp. 857-865.

duties of states, which were to include: conducting international relations according to international law, observing legal obligations, peacefully settling disputes, refraining from intervening in or fomenting civil strife in another state, refusing to recognize territory acquired by the illegal use of force, and giving due respect to human rights without distinction as to sex or color.⁹

The International Law Commission has other codification projects before it. It has undertaken, for example, to codify the laws of the high seas, treaties, arbitral procedure, and territorial waters; it has made a study of the "ways and means of making the evidence of customary international law more readily available." These are, as the international lawyer well knows, tasks of great difficulty but of commensurate importance. It may be repeated that international adjudication cannot develop fully without increasingly precise definition of the law that the courts are to apply. Since it is the function of the International Law Commission to provide the foundations for this definition, it is apparent that its activities are of primary importance for the long-range development of a peaceful world order. Most of the work of codification is still before us, but one must learn to walk before he can run.

THE INTERNATIONAL COURT OF JUSTICE

► *The "World Court."* The Permanent Court of International Justice, more commonly known as the World Court, was the League's solution to the problem of international judicial settlement of disputes. Although a certain fiction of separation between League and Court was maintained, the latter was in effect the judicial arm of the former, and this relationship, considerably clarified, was carried over into the UN. The UN Charter specifically recognizes the International Court of Justice as "the principal judicial organ of the UN" and thus integrates it into the entire peace-preserving structure.

The last pre-World-War-II terms of member judges expired in 1939, after which they continued to hold office on a provisional basis. In January 1946 all the remaining judges resigned, and in April of that year the League Assembly formally abolished the old court, thus clearing the way for its successor.

► *Development of the Present Court.* During and immediately after World War II, discussions were held on both sides of the Atlantic as to what sort of international judicial organ might be used after the war. The British government in 1943-1944 set a committee of experts to work on problems of judicial policy; the Dumbarton Oaks conferees in 1944 agreed that there should be a court but made no attempt to draft a statute; and in April 1945 a UN Committee of Jurists, representing forty-four states, met in Washington to draft a provisional statute for submission to the San Francisco Conference. All this preliminary spadework facilitated the discussions at the UNCIO, which culminated in an arrangement under which a legally different court would

⁹ 1948-49 UN Yearbook, pp. 945-949.

function under a statute in effect identical with that of the old World Court.

Although satisfaction with the World Court indicated to many the desirability of continuing it, the final decision was to establish a legally new one. Partly this decision was due to lingering distrust of the old court in the United States, the Soviet Union, and elsewhere, and partly to the legal difficulties that continuation of the older institution would have entailed. These difficulties arose largely from the circumstance that several member states of the Permanent Court of International Justice were not represented at San Francisco and there was well-grounded objection to the jurisdiction of the UNCIO to change the Court without consent of all its members. Some of the members were enemy belligerents, about whose rights and interests few were squeamish; but others were neutrals, who had every moral and legal right to be consulted. Such difficulties were avoided by the device of setting up a new UN court and then dissolving the League court. The UNCIO drafted Chapter XIV of the Charter to provide in general for the International Court of Justice and also wrote a Statute of the International Court of Justice that was appended to the UN Charter and declared a part of it.¹⁰

➤ *The Court's Statute.* Apart from the above-mentioned fact that the International Court of Justice is recognized as the "principal judicial organ of the UN" (which wording implies that there may be minor ones, possibly organized on a regional or functional basis), and the minor change of name, this court and the League court are substantially identical. Except for insignificant verbal changes, the Statute of the old is the Statute of the new. Even the old article numbers are retained, as a matter of convenience; many treaties of the 1920's and 1930's that referred to settlement of disputes or actions to be taken under article so-and-so of the World Court can now without even revision of wording be made by general treaty to apply to the present Statute.

➤ *Organization.* Like judges of the World Court, judges of the International Court of Justice are nominated by the national groups of the Hague Court of Arbitration. The UN Council and Assembly choose the judges, acting by simple majorities in separate but simultaneous elections. Here is one of the few instances in which important decisions of these bodies are taken by simple majority votes and without Council veto.¹¹ The fifteen judges are chosen in such a manner that no two will come from the same state and that the world's various systems of jurisprudence will be represented. They have nine-year terms. In the first elections, however, five judges chosen by lot received terms of three years and five received terms of six. Since successors are chosen for the full nine years, the full membership of the bench will never

¹⁰ The texts of early drafts, revisions, and other documents, including the final Statute of the Court, are found in *The International Court of Justice*, Dept. St. Publ. No. 2491 (GPO, 1946).

¹¹ See Articles 4-10 of the Statute.

change at any one time. The first elections were held early in 1946, and late in 1948 the five retiring members who had drawn the three-year terms were re-elected for the full nine years.

The Court, like its predecessor, sits in the Carnegie Peace Palace at the Hague, Netherlands, and it held its first meeting there in 1946. The judges are to have no other occupations and are to remain at the seat of the Court except during judicial vacations, so that their services will be readily available; for these duties, which thus far have not been excessively strenuous, they receive salaries of \$20,000; an extra \$4800 goes to the President, who is chosen for a three-year term by vote of his colleagues. A quorum is nine, and decisions are taken by simple majority. No appeal may be taken from a decision of the Court, but revision may be sought on grounds of discovery of vital facts unknown to the Court at the time of decision. While the judges are at the Hague or traveling on official business, they are accorded diplomatic immunity.

In this connection it should be observed that the judges are neither chosen by their home governments nor officially responsible to them. The procedure of nomination through the Hague Court of Arbitration's national groups was selected with the intention that men be chosen for the bench on the basis of their individual reputations as jurists rather than according to whatever domestic political standing they might have. Thus an American citizen who is a member of the Court's bench is in no way the United States representative on the Court.¹²

➤ *Membership.* Under Article 93 of the Charter all members of the UN are automatically members of the Court, and nonmembers may be admitted on conditions established by the Assembly upon Council recommendation. In 1948 Switzerland became the first nonparticipant to be admitted to Court membership; it was followed in 1949 by Liechtenstein.¹³

➤ *Jurisdiction.* Since the membership of the Court is confined to states, it follows that only states, and not private individuals, may be parties to suits before it. But, although suits may be brought before the Court, it does not have general compulsory jurisdiction over its members; the nearest approach to compulsory jurisdiction is found in Article 36 of the Statute, which provides that "the jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the UN or in treaties and conventions in force." Proceeding further in Article 36 one comes to the "optional clause," under which a member state may accept compulsory

¹² Mr. Green Hackworth, who was Legal Adviser of the Department of State from 1925 until 1946, was in the latter year elected to the Court. He had been chairman of the UN Committee of Jurists, which had drafted a preliminary Statute of the International Court prior to the San Francisco UNCIO.

¹³ Court expenses are a part of the UN budget and consequently are paid by member states. Since Switzerland and Liechtenstein do not thus contribute to the costs of maintaining the Court, the Assembly has assessed a share of those costs to each of them; Switzerland's share is 1.55 percent and Liechtenstein's .04 percent.

jurisdiction if it so desires; but it is under no legal obligation to do so. If the state does accept compulsory jurisdiction, it agrees to submit to the Court all legal disputes concerning treaty interpretation, questions of international law, the existence of any facts which if established would constitute a breach of international obligation, and the nature or extent of reparation to be made if such breach is established. The state accepting this jurisdiction may make such action contingent upon reciprocity, and may limit its acceptance as to time. Thus a state may accept jurisdiction for a period of five or ten years, as many have done, and further stipulate that it will submit to the automatic jurisdiction of the Court only disputes with states that have accepted a correlative obligation.¹⁴

➤ *The United States and the Optional Clause.* As a member of the UN, the United States automatically became a member of the Court. In 1946 the Senate authorized the President to take the further step of submitting to the compulsory jurisdiction of the Court on behalf of the nation. The Senate's action as in many similar instances, was hedged with reservations. We would not, for example, submit disputes which under existing or future treaties were required to be settled by some other tribunal. Furthermore, the acceptance was not to apply to two other situations:

(1) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States as determined by the United States; or

(2) disputes arising under a multilateral treaty, unless (a) all parties to the treaty affected by the decision are also parties to the case before the Court, or (b) the United States specially agrees to jurisdiction.¹⁵

The reservation concerning domestic jurisdiction is so similar to one made to American adherence to the World Court as to make old-timers feel, upon reading it, that they are back in the mid-1920's. As long as domestic jurisdiction is excepted, and as long as we ourselves are free to define that term, no one need fear that the United States will be dragged into litigation without its consent.

➤ *Jurisdiction Conferred by Treaties.* A further source of Court jurisdiction is the large number of treaties, negotiated over a period of many years, in which states agreed that disputes should be submitted to the Permanent Court of International Justice; many of these treaties have been amended to provide that the International Court of Justice shall have the jurisdiction involved. Article 37 of the Statute in effect requires such a transfer of juris-

¹⁴ Fifty-six states had accepted the compulsory jurisdiction of the Permanent Court of International Justice; seventeen of these acceptances remained in force in 1946 and were transferred to the new court. See 1947-48 *UN Yearbook*, p. 793. There were thirty-six acceptances as of the start of 1951. The USSR is the only one of the Big Five that has not accepted.

¹⁵ Text in *Decade of American Foreign Policy*, pp. 155-156; also in 1946-47 *UN Yearbook*, p. 612.

diction from old to new court. In addition, two litigating states are always free to negotiate a special treaty under which the matter in dispute will be submitted to the decision of the Court.

However the case arises, the Court is to decide legal disputes on the basis of international treaties, customs, and generally recognized principles of law, together with judicial decisions and the writings of qualified publicists. Furthermore (continues Article 38 of the Statute) the statement above “. . . shall not prejudice the power of the Court to decide a case *ex aequo et bono* [according to what is just and good], if the parties agree thereto.”

➤ *Enforcement of Decisions.* On reading the preceding paragraphs, one may be tempted to observe that compulsory jurisdiction which exists only when it is voluntarily accepted is a bladeless knife without a handle. When he is further informed that there is no definite enforcement machinery behind the Court's decisions, his hoots of derision may well be audible for miles. The fact of the matter is that, historically speaking, enforcement of international arbitral or judicial decisions has not been so high an obstacle as one might assume: the real difficulty has been to persuade nations to agree to judicial settlement of their dispute. Once that has been accomplished, the decisions have normally been carried out in good faith. The primary problem has been inducement, not enforcement.

The UN Charter is brief on the point of enforcement, saying only (in Article 94) that each member agrees to comply with decisions of the Court, and that in case of nonexecution of a decision the aggrieved party may have recourse to the Security Council, which may make such recommendations or decisions as it deems necessary. Presumably noncompliance with a decision would affect the peace of the world and thus would fall within the purview of the Council in any case, with or without Article 94. Whatever military force may ultimately be made available to the Council may be used for Court as well as other enforcement purposes.

➤ *Advisory Opinions.* There are numerous circumstances in which two parties may have a disagreement of a legal nature which for some reason they do not wish to submit to judicial settlement. In this case a third party in the form of an international organization may have an interest in obtaining an unbiased solution to the problem; or legal advice may be needed where there is no lawsuit at all. The League had provided that in such a situation the World Court hand down advisory opinions at the request of the Council or Assembly, and this procedure was in fact followed on twenty-seven occasions. Similar provision is now made by Article 96 of the Charter and Articles 65 to 68 of the Statute. Opinions may be requested on any legal matter by the UN Council or Assembly, or on any legal matter within its own realm of competence by any specialized agency that has been authorized by the Assembly to make such a request. The Assembly has passed legislation that permits requests for

advisory opinions to be made by the Interim Committee of the General Assembly, by ECOSOC, by the Trusteeship Council, and by all the specialized agencies.

Such an opinion is literally "advisory." Although the advice of fifteen eminent jurists might be expected to carry a great deal of weight, a state is quite free to pursue a course of action that runs directly counter to the opinion, without fear that sanctions may be invoked against it. This situation has already arisen and will be discussed shortly.

DECISIONS OF THE INTERNATIONAL COURT OF JUSTICE

➤ *The Corfu Channel Case.* The old World Court handed down thirty-two decisions in the interwar years; the Corfu Channel decision was the first for the new court. Here the antagonists were the United Kingdom and Albania.

At the conclusion of World War II an International Central Mine Clearance Board, operating through a regional agency, swept the Corfu Channel and declared it free of mines. This channel lay between the Greek island of Corfu, in the Adriatic, and the mainland coast, just west of the point where the Greek-Albanian border meets the sea. Although the Channel was open to traffic, two British cruisers passing through it in May 1946 were fired upon by Albanian shore batteries, and no satisfactory answer was ever given to the British protest. In October of the same year two British destroyers passed through the Channel and struck mines; forty-four men were killed, others were injured, one of the two destroyers was damaged, and the other was almost a total loss. A month later the Channel was swept by the British and yielded several newly laid German mines.¹⁶

The British government protested to the Security Council, which discussed the matter in February 1947. The United Kingdom's case centered in the arguments that the Channel had been swept by international agency and declared mine-free; that the Albanian government kept close watch on the waterway, as the May attack by shore batteries demonstrated; that the mines were obviously new and could not have been laid without at least the knowledge, if not the connivance, of the Albanian government. Albania disclaimed any knowledge of how the mines came to be in the Channel and argued that in any case the Channel was within Albanian territorial waters, through which foreign warships should not pass. Furthermore, it strongly pressed the allegation that the subsequent British mine sweeping of the Channel was a violation of Albanian sovereignty, since it was undertaken without Albanian permission.

¹⁶ All proceedings of the Court are officially published in its *Reports*. Possibly more conveniently available are the *UN Yearbooks*, which give full statements of arguments, opinions, and decisions; the reader is hereby referred to these volumes for data on the cases discussed in the following pages. On the Corfu case, for example, see 1948-49 *UN Yearbook*, pp. 928-934. Good, brief summaries of cases and opinions are carried by *International Organization* and the *UN Bulletin*.

A strong propagandist note was struck with the final charge that the whole affair represented a British attempt to suppress democracy in Albania.

The Council eventually appointed an investigating committee, which reported in March 1947. Two of its three members stated that in their opinion the mine field could not have been laid without Albania's knowledge, although they were not prepared to allege that the Albanian government itself was directly responsible for laying the field. The third representative—Oscar Lange, of Poland—plodded down the party line by questioning whether a mine field really existed and, if it did, whether the Albanians had had anything to do with laying it. Upon presentation of this report to the Council the British representative proposed a resolution holding the Albanian government guilty of connivance in the laying of the mine field; but the motion was lost when it fell under the veto of the Soviet Union, which thereby protected its satellite. Further Council action could not be expected, and in April 1947 the Council voted to refer the dispute to the International Court of Justice.

There followed long drawn-out legal wrangles and political maneuverings with which we need not concern ourselves; the major one had to do with the question whether the Court had jurisdiction, since Albania was not a member of the UN and had not directly accepted the Court's jurisdiction. However, this problem was set at rest in March 1948, by a British-Albanian special agreement under which the case was submitted to the Court and the Court was asked (1) whether Albania was responsible under international law for the damage caused by the incident and whether it was liable to pay compensation, and (2) whether Britain had violated Albanian sovereignty by the unauthorized post-incident mine sweep. Arguments and investigations followed, and in April 1949 the verdict was announced.

In its major points the decision represented a victory for the British point of view; the Court held (1) by eleven-to-five vote that Albania was responsible for the damage to the British destroyers, since it must have known of the presence of the mines and yet gave no warning; (2) by fourteen-to-two vote that British destroyers did not violate Albanian sovereignty by using the strait; but (3) by unanimous vote that the subsequent British mine sweep was a violation of Albanian sovereignty.¹⁷

This decision settled the law of the matter, but left open the amount of damages to be paid. The United Kingdom had claimed £875,000, to cover compensation to persons injured and killed and repair and replacement of ships. Later in 1949 the Court dealt with this question by ordering Albania

¹⁷ There were sixteen judges in this case rather than the customary fifteen because Albania availed itself of the privilege extended by Article 31(2) of the Statute to appoint an *ad hoc* judge inasmuch as there was no Albanian among the Court's personnel. Albania chose Igor Daxner, of the Czechoslovak Supreme Court.

to pay a total of £843,947 (\$2,363,051).¹⁸ This step closed the case as far as concerned the Court.

Although its representatives participated in the argument of the case, Albania has on occasion attempted to convey the impression that it, a tiny and weak state, was unjustifiably dragged into court against its will by one of the major powers. But many will reflect that in days gone by disputes of this nature have been settled far more summarily than this one. In the old days there would have been no judicial hearings; rather, the navy of the larger power would likely have blasted to bits all useful property of the smaller one within a naval-gun range. It is decidedly encouraging to those who wish to establish an international rule of law that in this instance a state that had the military power to enforce its will chose the slower and less dramatic judicial mode of settling the dispute. Along this road lies constructive international development.

→ *The Anglo-Norwegian Case*. For decades international lawyers and foreign offices have debated over drawing the line at which the territorial waters of a state end and the high seas begin. The 3-mile rule has come to be fairly generally accepted; that is to say, a government has jurisdiction over the area 3 sea miles out from shore, and beyond that the high seas belong to everyone.¹⁹ This rule is subject, however, to national definition and exception; the Norwegians have long claimed a 4-mile-wide strip along their coast, and in this claim the English have acquiesced. But there remains another moot point: does this 3- or 4-mile band follow the contours of the coast or may it be drawn from headland to headland? This problem is of especial importance when applied to a coast as rugged and deeply indented as that of Norway. The significance of the question is increased by the fact that the waters of the area involved yield some ten million dollars' worth of codfish annually.

The Norwegian government construed liberally the limits of its territorial waters, drawing them four miles out from headland base points, which in some cases were as much as 40 miles apart, and proceeded to arrest and fine English fishermen who were found within waters thus defined as exclusively Norwegian. Although the English government was willing to accept a four-mile rule in this instance, it defended its nationals and maintained that by not following the contours of the coast the Norwegian government was over-extending its jurisdiction and was liable to pay damages for illegal interference with English fishermen. Since both states had accepted compulsory jurisdiction of the International Court, judicial determination of the issue was facilitated.

The English government instituted proceedings in 1949, and after appro-

¹⁸ See *Int. Org.*, May 1949, pp. 334-337; *ibid.*, May 1950, p. 310.

¹⁹ This rule derives from the idea that a government's jurisdiction should be coterminous with the area that it can effectively police; since cannon in use when the rule was laid down could fire about 3 miles, territorial waters were considered 3 miles wide. There are, however, numerous exceptions to the rule, and it has never been universally accepted.

priate argument the Court handed down its decision in 1951.²⁰ The contention of Norway was clearly upheld; the Court approved the practice of drawing the territorial-water limit from headland to headland. There was of course no question of payment of damages to English fishermen, since according to this decision they had been arrested within territorial waters where they had no legal right to fish. Thus was set at rest a problem that had been disputed by these two countries for some forty-five years, and a principle was laid down that is certain to be of great interest to other maritime states.

➤ *The Franco-Egyptian Case.* Shortly after the start of the Anglo-Norwegian case, the French government instituted proceedings against Egypt. Some forty French nationals or protected persons had been placed in concentration camps and their property sequestered by Egypt in 1948, at the time of the latter's declaration of martial law because of the Palestine conflict. France maintained that the Egyptian action was in violation of a treaty of 1937. Early in 1950, however, the French government withdrew its suit, since the Egyptian measures that had formed the basis of the original complaint had been withdrawn. Therefore no decision was necessary, and the Court removed the case from its docket.

➤ *The Colombian-Peruvian Case.* A third case was submitted to the Court in 1949; this was a dispute between Colombia and Peru over the nature and extent of the right of asylum. The background of the case is as follows: in October 1948 a rebellion took place in Peru, and the local authorities attempted to arrest one Victor Raul Haya de la Torre for its instigation. Three months later he took refuge in the Colombian embassy in Lima, and the Colombian ambassador, on the theory that Haya de la Torre was a political offender, asked the Peruvian government for safe conduct for him so that he could leave the country. Peru refused, on the ground that Haya de la Torre was a common criminal and was therefore entitled neither to the right of asylum nor to the requested safe conduct. After much debate the problem was submitted to the Court.

The question turned largely on interpretation of two treaties, especially that of 1928 on asylum, which had been negotiated at the sixth International Conference of American States, at Havana. Colombia maintained that thereunder it was entitled to qualify (i.e., define) as a political offender this man who had sought refuge in its embassy and Peru was under obligation to issue the safe conduct. Both points were denied by Peru. Therefore two questions

²⁰ The Court is often quite deliberate in its proceedings, relying heavily on written rather than oral pleadings. Standard procedure is as follows: State A files with the Court a complaint against B. After notice is given to B, A submits a memorial, B a countermemorial, A a reply, B a rejoinder; then follow oral hearings and, finally, a decision. Several months may elapse between stages. Thus the English complaint was filed September 28, 1949, but oral arguments did not start until September 25, 1951; decision was rendered December 18, 1951.

were submitted to the Court: (1) under the existing treaties and American international law, ". . . was Colombia competent, as the country granting asylum, to qualify the offense for the purposes of said asylum?" and (2) was Peru required to issue the safe conduct?²¹

Since nationals of neither opposing country sat on the Court, each government availed itself of the privilege afforded by Statute Article 31(3) and appointed an *ad hoc* judge. The Court's ruling went against Colombia; by overwhelming vote it was held that the Colombian government was not entitled unilaterally to qualify the offender as a political one without Peru's approval, and that Peru was not bound to grant the safe conduct. On the other hand, although the requirements for asylum under existing treaties had not been met when the Colombian ambassador accepted Haya de la Torre into the embassy—the treaty predicated grant of asylum upon an emergency which in this case did not in fact exist—the Court also held that Peru was in error in accusing Haya de la Torre of common crimes, for military rebellion did not fall into that category. Thus neither side came into court with completely clean hands.

Requests for clarification of the decision were at first refused. Then the Court answered a Colombian question by saying that Colombia was under no obligation to surrender the fugitive to the Peruvian authorities; but in answer to a Peruvian question it held that the asylum should have ended after the first judgment and must end at once. The apparent conflict between these two answers was resolved, at least to the satisfaction of the Court, by the statement that "surrender is not the only way of terminating asylum." Yet the other obvious way out—Peruvian safe conduct—was blocked by Peruvian refusal to cooperate. The Court appeared confident that settlement could be reached by diplomatic negotiations; but, although negotiations were opened, few shared the Court's confidence. In 1952 Haya de la Torre was still in the Colombian embassy and diplomatic notes were still being exchanged.

To the interested bystander all the above has the earmarks of a comedy of errors: a revolutionist seeks diplomatic asylum three months after the collapse of his revolt, which intervening time presumably would have permitted him an opportunity to leave the country if he desired. Colombia should not have granted asylum, but it did. Peru should not have called him a common criminal, but it did. Colombia should terminate the asylum, but it was not bound to surrender Haya de la Torre, any more than Peru was bound to grant him a safe-conduct out of the country.

➤ *Pending Cases.* Several other cases are pending at present, but since they have not yet been decided they will be mentioned only briefly. Doubtless

²¹ A good article setting forth the Latin American practice of diplomatic asylum and discussing the Haya de la Torre case is Alona E. Evans, "The Colombian-Peruvian Asylum Case," *American Political Science Review*, Mar. 1952, pp. 142-157.

the one of greatest importance, and certainly the most publicized, is that brought by the United Kingdom against Iran because of the latter's nationalization of its petroleum resources in 1951. The United Kingdom charged violation of the oil concession; but Iran maintained that oil nationalization was a matter of domestic jurisdiction and not a suitable subject for international arbitration or adjudication, and, further, that this was a private affair between the government of Iran on the one hand and the Anglo-Iranian Oil Company on the other. However, both countries had previously accepted the optional clause of the Court's Statute and were therefore bound to submit to the Court's jurisdiction; secondly, the Anglo-Iranian Oil Company was not simply a private business venture but was owned mainly by the British government. When that government instituted proceedings before the Court, the Iranian government withdrew its acceptance of the optional clause. The ultimate outcome may depend upon nonjudicial factors, in view of the tensions of the Cold War and the fact that the Iranian government has been in the grip of a fanatically nationalistic fever that has impelled it on occasion to go to irrational extremes.

In 1950 France filed a case against the United States based upon the latter's preferential claims under certain French-Moroccan treaties. One such treaty specified that no Moroccan laws or regulations could be applied to American citizens without the consent of the American government. In 1948 the Moroccan government subjected certain American imports to licensing requirements and the United States claimed violation of the treaty. The purpose of the French suit is to determine the treaty rights involved.

In 1951 England and France asked the Court to determine the ownership of the Minquiers and Ecrehous Islands, which are located in the English Channel southwest of Cherbourg. A mild dispute as to sovereignty over these islands has been going on for generations without greatly bothering either country, for the islands are small and uninhabited. Whichever way the Court holds, England and France have already reached advance agreement as to fishing rights in the area.

Another case arose in 1951; the Greek government brought a claim against the English on the grounds that the latter had damaged the rights of N. E. Ambatielos, a Greek shipowner. In 1919 Mr. Ambatielos had had a contract with Britain for the purchase of ships, which England did not deliver on time, thus causing financial loss to Mr. Ambatielos.

In still another case originating in 1951 the government of Liechtenstein claimed that damages were payable by the government of Guatemala as compensation for the internment, expulsion, and confiscation of property owned by a Mr. Nottebohm, a Liechtenstein national.

Most of the pending cases, however they are ultimately decided, are unlikely to affect greatly the peace of the world; yet it is surely desirable that

there be an institution to which nations can turn for the adjudication of such matters as these.²²

ADVISORY OPINIONS

➤ *The First Membership Opinion.* The first of several advisory opinions requested of the Court arose in 1947 out of the hotly disputed point of UN membership and admissions policy. Several states applied and were sponsored for membership but were blackballed by the Soviet Union in the Security Council; about half of that state's numerous vetoes have been cast in this connection. Applications were vetoed on the ostensible grounds of lack of sufficient information or lack of Soviet diplomatic relations with the countries involved; but it was apparent that this subterfuge was designed to cover Russian unwillingness to add to the Western bloc in the UN. This fact was made even clearer when the Soviet Union offered to admit certain Western candidates en masse in return for admission of a group of Communist satellites.

Article 4(1) of the Charter provides that new member states may be admitted if they are peace-loving, if they accept the obligations imposed by the Charter, and if in the opinion of the UN they are able and willing to discharge those obligations. The non-Russian powers contended that these were the sole criteria of eligibility and that any state that satisfied them had at least a moral right to admission by the Assembly after Council recommendation. The USSR, however, denied that Article 4's qualifications were inclusive and final.

In 1947, after long debate resulting in an impasse, the Assembly requested the Court to render an advisory opinion on the questions whether a UN member, in voting on applications for admission, was entitled to make its approval dependent upon satisfaction of conditions not expressly set forth in Article 4(1); and whether such a member could subject its approval to the condition that other states be admitted along with the applying state.²³ It will be observed that the phraseology of the request carefully avoided any direct reference to the real matter in dispute, namely, the Soviet vetoes; rather, the question was couched in general terms.

The Court proceeded to invite interested states to file arguments, and fifteen of them did so. The Ukrainian SSR, the USSR, and Yugoslavia contested

²² The United States has attempted to submit to arbitration or to judicial settlement by the International Court the question of compensation for ships delivered by the United States to the Soviet Union under the lend-lease agreement of 1942. The USSR has refused, on the grounds that the American claim as to the value of the ships was inflated, that Britain was given far more favorable terms under similar conditions than were offered Russia, and that in any case the ships were a contribution by the United States to its own defense and to the common cause against the Axis. See *Department of State Bulletin*, Jan. 21, 1952, pp. 86-90, and earlier issues of the *Bulletin* therein cited.

²³ The text of the resolution is in *Int. Org.*, Sept. 1948, p. 568; see also 1947-48 *UN Yearbook*, pp. 796-801, for the background of the opinion.

the jurisdiction of the Court on the ground that the whole question was political rather than justiciable. Thus was posed a nice issue: precisely where does the law leave off and politics begin? On the one hand it is clear that the law (Article 4 of the Charter) had a definite bearing on the problem; but on the other it is equally true that the admission of a member to an international body such as the UN is bound to have political overtones, especially in days of Cold War antagonisms. At all events, the Court assumed jurisdiction, heard arguments, and announced its opinion on May 28, 1948.

The Western thesis won on all counts, the Court holding to the opinion that the question involved was legal rather than political, that the conditions for membership laid down in Article 4(1) were sufficient and inclusive, and that every membership application should be judged on its own merits. Since the contentions of the Soviet Union were thus denied, it is not surprising that when newsmen approached Soviet UN delegate Andrei Gromyko for a comment he should reply that "The International Court of Justice had no right to interpret the Charter. That is the position we took in the Security Council and there has been no change. The decision makes no difference to us."²⁴ It is to be remembered that legally Gromyko was entirely within his rights in stating that the opinion would be disregarded by the Soviet Union; this was an advisory opinion and not a decision.

The old World Court was sometimes accused of giving opinions that were more than a little tinged with politics. With that background, and in view of the clear East-against-West alignment in this instance, it is interesting to note the reactions of individual judges of the new court. The opinion was rendered by a majority of nine to six, and the international cynic might assume that the nine would be Western judges and the six from countries under Soviet influence; he would be badly mistaken. It has been pointed out previously that judges are elected as individuals rather than as national diplomatic representatives; the wisdom of this provision may have been demonstrated in this case. The six judges who dissented were from the Soviet Union, Poland, Czechoslovakia, the United Kingdom, Canada, and France. One might easily explain the opinion of the first three on political grounds, but not that of the second three. It is clear that the judicial division was not along East-West lines, and also that the opinion was not rammed down anyone's throat by the major powers, since three of the Big Five were found in the minority. Here, then, is persuasive evidence of judicial independence.

➤ *Injuries to UN Personnel.* The second advisory opinion of the Court arose from the fact that on several occasions UN personnel had been injured or killed while discharging their official functions, the most notable case having been the assassination in Palestine of Count Folke Bernadotte, the UN Mediator. Legal responsibility in such cases would have been clear had Count

²⁴ *New York Times*, May 29, 1948.

Bernadotte been in the diplomatic service of one sovereign state, but the issue was beclouded by his international status. In order to clarify the situation the Assembly in 1948 referred to the International Court a request for an opinion on the following questions: whether, in case of injury to a UN agent performing his duties, the UN could bring a claim against the responsible government, in the name of the UN itself or of the victim or his family; and in case of an affirmative answer to the foregoing, how the UN action could be reconciled with the rights of the state of which the official was a national.²⁵ In March 1949 the Court heard arguments, and in April it rendered its opinion.

The Court held that the UN was an "international person," capable of bringing international claims in its own right; furthermore, the judges agreed unanimously that the UN could claim compensation from any government for any damage done to the organization through injury to one of its agents where the state was responsible. On other questions relating to the bringing of claims the Court split roughly two-to-one in favor of the power of the UN to maintain the suits.²⁶ There was considerable argument on the definition of an "agent" of the UN who was entitled to this protection; the majority of the Court defined the term broadly, as being anyone through whom the UN acted. It is interesting to observe that both Judges Hackworth of the United States and Krylov of the Soviet Union dissented from the majority on this point.

This concern with injury and death to UN personnel has not, unfortunately, arisen from events involving only one or two men; seven UN agents were killed and one injured in the Palestine fighting alone, and several others have been killed or injured elsewhere. In direct consequence of the Court's opinion, the Assembly authorized the Secretary-General to present claims against states responsible for injury or death of UN personnel and to seek arbitration of cases not closed by negotiation.²⁷ This duty was undertaken with regard to the assassins of Count Bernadotte, and six months later the Israeli government paid \$54,628 to the UN as reparation for monetary damages caused it; Countess Bernadotte had not pressed a claim for personal damages.²⁸ Thus this particular episode was closed.

A twofold importance may be attached to this opinion. First, the legal backing thus given to the UN in the protection of its emissaries is important in itself. Secondly, and in the long run probably more significant, is the recognition given to the international legal position of the United Nations. The League and the UN have been in a somewhat anomalous position in law, being neither

²⁵ The text of the resolution, dated December 3, 1948, is in the 1948-49 *UN Yearbook*, p. 939. For background, see *ibid.*, pp. 936-939.

²⁶ The text of the opinion is in *Int. Org.*, Aug. 1949, pp. 569-579; see also *ibid.*, pp. 519-521, and 1948-49 *UN Yearbook*, pp. 939-941.

²⁷ Resolution of December 1, 1949; text in *Int. Org.*, Feb. 1950, p. 169; also in 1948-49 *UN Yearbook*, p. 945. See *UN Bulletin*, Nov. 15, 1950, pp. 578-579.

²⁸ *UN Bulletin*, July 15, 1950, p. 84.

procedures? (2) Were the three governments (Bulgaria, Hungary, and Rumania) obligated to appoint their members to the treaty commissions? (3) If the answers to the first two questions were affirmative, might the Secretary-General proceed to the appointment of the "third member" of the commission after the three governments had been offered, and had neglected, the opportunity to appoint their members? (4) Would a "third member" thus appointed and a member selected by one of the Western powers constitute a legally valid commission? This resolution was adopted over the opposition of the USSR, the Ukrainian SSR, the Byelorussian SSR, Poland, and Czechoslovakia.²⁹

In 1950 the Court entered its opinion on the first two questions; by vote of eleven to three it replied in the affirmative.³⁰ Hungary, Bulgaria, and Rumania were thus put officially on notice that they should appoint members to the treaty commissions. But when the stipulated thirty days elapsed without such actions being taken, the United Kingdom and the United States requested the Court to rule on the other two questions. The Court did so in July 1950, holding that, although the three accused governments were legally remiss in not appointing their representatives, the Secretary-General was not empowered to appoint the third man, since the conditions were not present in which he was authorized to act. The vote here was eleven to two. Since the opinion was negative on the third question, there was no reason to proceed to the fourth.

Even had this been a formal decision rather than simply an opinion, it is difficult to imagine that the necessary enforcing steps could or would have been taken. Since Bulgaria, Rumania, and Hungary apparently from the beginning had not the slightest intention of altering their stand, one may easily conclude that all this procedure was mere folderol. On the other hand, one may argue that such semijudicial action was desirable as another move by which the satellites' record would come to appear blacker and blacker. On this theory, and for the record, the Assembly in 1950 adopted a resolution condemning the three accused countries for their failure to fulfill their treaty obligations concerning human rights and criticizing them for such specific things as the Mindszenty trial, suppression of opposition parties, press censorship, and refusal to heed the Court's opinion.³¹

► *South West Africa*. In Chapter 18 we referred to the refusal by the Union of South Africa to place the former German South West Africa under

²⁹ For details on the Assembly consideration, see 1948-49 *UN Yearbook*, pp. 316-327; the text of the resolution is on pp. 326-327.

³⁰ The three dissenters were Judges Krylov (USSR), Winiarski (Poland), and Zoricic (Yugoslavia). See 1950 *UN Yearbook*, pp. 385-397. The possibility of political motivation, which was absent in opinions discussed above, was conspicuously present here.

³¹ For text of the resolution, dated November 3, 1950, see *UN Bulletin*, Nov. 15, 1950, p. 574; see also *ibid.*, Nov. 1, 1950, pp. 479-482.

the trusteeship system. Its patience nearly exhausted with other expedients, the Assembly in 1949 turned to the International Court for an opinion on the situation. The questions were: (1) Does the Union have international obligations under its mandate for this area, and if so, what are they? (2) Is the Charter's Chapter XII applicable to the area (now called South West Africa), and if so, how? (3) Does the Union of South Africa have the right to modify the international status of the territory in question, and if not, who does?³² This action was taken over the spirited opposition of the Union of South Africa, which maintained that the mandate was a League matter over which the UN had no control, and that in any case the whole affair was a matter of domestic jurisdiction within the meaning of the Charter's Article 2(7).

The Court handed down its opinion in 1950. On the first question, its reply by twelve votes to two was to the effect that the Union did still have international obligations resulting from the mandate and that among them were the duties to submit reports and to transmit petitions on native affairs; the Union had ceased doing both. The supervisory functions were to be exercised by the UN. On the second point, the Court unanimously held that Chapter XII applied to South West Africa, in that it provided a means whereby that area could be placed under trusteeship. On the third question, however, the Court, by a vote of eight to six, gave the opinion that the Union of South Africa had no legal obligation under the Charter to submit the territory to trusteeship. Finally, the Court was again unanimous in holding that the Union was legally incompetent to alter the status of South West Africa by unilateral action and that any modification of the territory's international position should be arrived at by joint agreement of the Union and the United Nations.

Thus it would appear that the UN won a moral victory in this case, although it did not achieve a trusteeship over the territory of South West Africa. But, as was previously pointed out, the wording of Article 77 is such as to bolster the South African case insofar as legal obligation to submit to trusteeship is concerned.

➤ *The Second Membership Opinion.* Late in 1949 the exacerbated question of admission of new members came up again at the Assembly session. As before, there were several states that Russia would not permit to become members, at least not unless some *quid pro quo* were offered in the form of a corresponding agreement to admit stipulated Soviet satellites. Thus the USSR veto prevented the Security Council from recommending applications to the Assembly.

However, some thought that Article 4(2) of the Charter could be so inter-

³² See *Int. Org.*, Aug. 1950, pp. 475-478. For a summary of the 1949 Assembly debate on this problem, see *Int. Org.*, Feb. 1950, pp. 100-102. On the Court's opinion, see *UN Bulletin*, Aug. 1, 1950, pp. 100-101; 1950 *UN Yearbook*, pp. 806-822.

interpreted as to allow the Assembly to act on membership applications even without the customary recommendation of the Council. That Article provides that "The admission of any such state to membership in the UN will be effected by a decision of the General Assembly upon the recommendation of the Security Council." The question arose: does the Charter technically require that the Council's recommendation be a positive one? If the Council turns down an application, cannot even this action be construed as a recommendation, even though a negative one, which would suffice to allow the Assembly to take a vote on the admission of the potential member? Accordingly, in 1949 the Assembly asked the Court for an advisory opinion on whether the Assembly could admit a new member without the positive recommendation of the Council, which had not been forthcoming either because of a veto or because of lack of the necessary majority.³³

By March 1950 the Court was ready to deliver its opinion. By a twelve-to-two vote it opined that membership admission could not be effected by the Assembly acting alone in the absence of the Council's affirmative recommendation. It held that the provision of Article 4(2) set up a joint Council-Assembly procedure and that therefore the Assembly could not act in this matter unless the Council had performed its role.

There would appear to be nothing surprising about this opinion. Possibly the most noteworthy feature of it was that, as in the first membership case, the Court was engaging in judicial interpretation of the Charter itself—a procedure that some diplomats viewed with considerable alarm.

➤ *Effect of Reservations to a Multilateral Treaty.* Diplomats have long been puzzled over the effects of a state's reservations to a multilateral treaty: must they be formally approved by all other signatories? Is there a difference in status between an original signatory and one that later accedes? These and related questions have never been satisfactorily answered. The Secretary-General was plagued with these difficulties when notifications of ratification of the genocide convention started to flow in; some had reservations appended, and the Secretary-General asked the Assembly for instructions on how to handle them.

The Assembly was as much in the dark on the law of the matter as anyone else, but it was in a position to obtain expert advice from two sources. One source, as previously noted, was the International Law Commission; the Assembly asked it to study the general problem of reservations. In 1950 the Assembly turned to the International Court of Justice and asked it for an

³³ Text in 1948-49 *UN Yearbook*, p. 394; see also *Int. Org.*, Feb. 1950, pp. 75-76, 125. For background on the issue, see 1948-49 *UN Yearbook*, pp. 373-394; *United States Participation in the UN; Report by the President to the Congress for the Year 1948*, Dept. St. Publ. No. 3437 (GPO, 1949), pp. 100-103; *ibid.*, 1949, pp. 88-92.

advisory opinion on the following questions relating specifically to reservations to the genocide convention.

I. Can the reserving state be regarded as being a party to the [Genocide] Convention while still maintaining its reservation if the reservation is objected to by one or more of the parties to the Convention but not by others?

II. If the answer to question I is in the affirmative, what is the effect of the reservation as between the reserving state and:

- a) the parties which object to the reservation?
- b) those who accept it?

III. What would be the legal effect as regards the answer to question I if an objection to a reservation is made:

- a) by a signatory which has not yet ratified?
- b) by a state entitled to sign or accede but which has not yet done so?

In 1951 the Court handed down its opinion, but its vote of seven to five on all three major queries indicated how far the judges were from unanimity. In answer to question I, the majority held that a state's ratification or accession to a treaty with reservations did not invalidate that state's position as a party to it, if the reservation was compatible with the objects of the convention. Other contracting parties would necessarily make up their own minds individually as to the compatibility of the reservations. Evidently it was the feeling of the Court that such a rule would steer a middle course between not permitting any reservations at all, and thus diminishing the number of participants, and allowing any and all reservations, thus conferring excessive discretion on a government in permitting it to select and be bound by only certain articles of a treaty. The Court recognized that it was by force of circumstances considering this question in a vacuum, and that such a rule might have to be adjusted in actual practice.

The answer to question II followed logically from the foregoing answer. If a contracting state considered a given reservation incompatible with the purposes of the treaty, it would be entitled to regard the reserving state as not a party. Conversely, if it deemed the reservation a compatible one, it would accept the other as a party. As to question III, if a state had signed but not yet ratified, and a reservation was entered to which it objected, its legal recourse would be simply to refuse to ratify; and a state that merely had a right to ratify or accede but had not exercised it had no right at all to object to an unsatisfactory reservation. In other words, legal objections to reservations could be made only by states that had formally assumed the obligations of the convention in question.

The reaction of the International Law Commission was forthcoming shortly after that of the Court, and it differed sharply. For one thing, it was only natural that there might be variation of opinion on a complicated subject; moreover,

whereas the Court had been requested to state the law as it saw it on the practical problem presented by the genocide convention, the Commission was authorized to reflect on the problem in general, to take the long view, and to state what it believed the law should be, even though this might conflict with existing law.

The criterion of compatibility of reservations enunciated by the Court found no favor with the Commission, largely because of the confusion that would likely result from the vagaries of subjective national judgment as to whether a given reservation was compatible or not. There would, thought the Commission, almost surely be great uncertainty as to the status and binding effect of a convention if some states were to hold one reservation compatible and its maker therefore an acceptable partner whereas other states deemed the reservation incompatible. A possible exit from this embarrassment was suggested by the Commission: at the time of negotiation of a treaty, provisions could be inserted dealing in advance with the question. Several alternatives are open: (1) a prohibition of all reservations, (2) a specification of one or more definite texts of permissible reservations, which would operate to exclude all others, and (3) a regulation as to precisely how reservations, if they arise, are to be handled: notification procedure, time limits, and procedure for acceptance or rejection of the objections. If none of these alternatives was followed, then the Commission felt that the next best practice was that currently in use by the UN Secretary-General, which required that any reservation, to be valid, must be accepted by all the contracting parties.

These two opinions were submitted to the sixth session of the Assembly, which passed a resolution in 1952 that (1) recommended that UN organs and member states, in preparing multilateral conventions, consider the possibility of inserting provisions covering the admissibility and legal effect of reservations; (2) recommended that, with regard to the genocide convention, states be guided by the Court's advisory opinion; (3) requested the Secretary-General, in dealing with genocide reservations, to conform his practice to the Court's opinion; and (4) with respect to future UN conventions, asked the Secretary-General to act simply as depositary of objections without passing upon their legal status, and to transmit the texts of such reservations to all states concerned, "leaving it to each state to draw the legal consequences from such communications."

Evidently it was the feeling of the Assembly members that the Court's opinion indicated the present status of the law on the genocide convention and that the law should be enforced, but that a better method of dealing with the matter could and should be devised for other cases, which were certain to arise in the future. It is difficult to believe that this resolution settles the problem definitively.

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THE SECRETARIAT

THE UNITED NATIONS PROVIDES no exception to the general rule that one of the most important parts of any international organization is likely to be its permanent secretariat. Conferences and diplomats come and go, but the secretariat must be on the job every day in every year. Its duties are usually more essential and workaday than glamorous: it must do extensive research at the behest of the various governing organs, it must do most of the spadework on the preparation of agenda, it must carry on extensive correspondence, it must provide large-scale translating and interpreting services, it must publish reports and statistics by the bale and distribute them all over the world to those who are concerned with them. Whether one is speaking of the UN or of some minor international union, the foregoing statements apply, with variations only of degree.

THE SECRETARY-GENERAL

➤ *Election.* At the peak of the UN Secretariat's organizational hierarchy is the Secretary-General, who is appointed as the chief administrative officer of the UN by a simple majority vote in the General Assembly after having been nominated by a vote of seven (including all the Big Five) of the eleven members of the Security Council.¹ He holds his position for five years, and his term may be renewed. The first incumbent, Trygve Lie, of Norway, was unanimously nominated by the Council and appointed by overwhelming vote of the Assembly; he took office in February 1946. Near the end of his five-year term a renewal of his appointment was blocked by Soviet veto in the Security Council, but the Assembly, which had set the five-year term in the first place, in late 1950 extended his term for a further three years.²

¹ See Charter, Chapter XV, Articles 97-101.

² Russian opposition was engendered largely by the leadership assumed by Mr. Lie in organizing UN action against the North Korean Communists because of their aggression of the summer of 1950. Russian invective was then heaped upon him, causing many to forget that in 1946 he had been the Russian-sponsored candidate for President of the first General Assembly and that the United States and the USSR had both agreed to his original nomination as Secretary-General. The Soviet delegation, piqued at the extension of his term from 1951 to 1954, announced that it would not recognize him as having any official position after February 1, 1951, but this proved to be bluff. See 1950 UN Yearbook, pp. 125-129.

The Secretary-General receives a salary of \$20,000 a year, which is exempt from United States federal income tax, an annual expense allowance of similar amount, and the use of a furnished official residence. These matters of term and salary are fixed not in the Charter but rather by resolution of the General Assembly.³ The latter's basic resolution of January 1946 not only provided for the five-year renewable term but also recommended that, since an incumbent would naturally have access to a considerable amount of confidential material, no member state should offer him any official position after his retirement in which the confidential data thus gained would prove to be an embarrassment to any other member state.⁴ This is, of course, only a recommendation, and it remains to be seen whether it will be honored.

➤ *Administrative Duties.* The Secretary-General functions in the capacity indicated by his title in connection with the meetings of all the major organs of the UN except the International Court of Justice, which elects its own Registrar. Duties include handling the correspondence involved in calling regular and special sessions, checking credentials, keeping records, providing staff, and translating and distributing documents. His is the responsibility for recruiting, disciplining, and generally supervising the Secretariat. It is his duty to prepare the annual tentative budget and to execute it after it has had Assembly approval. He is required to render an annual report to the Assembly, which may be supplemented by oral reports; both types are subject to "consideration" or criticism by the Assembly. Beyond performing these more or less routine administrative functions, which might be expected to be discharged by the executive secretary of any similar organization, he performs importantly in a representational and public-relations capacity. From the point of view of the general public the Secretary-General, more than any other individual, is "Mr. United Nations." In his capacity as ambassador and representative of the UN, Mr. Lie visited some twenty states during his first two years in office, and many more after that time.

➤ *Political Functions.* The UN Secretary-General also has responsibilities of a considerably weightier nature, which are not necessarily concomitants of such a position. It has been properly remarked that he is far more than a "glorified chief clerk." The proof of this statement lies in several facts.

Article 99 of the Charter specifies that the Secretary-General "... may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." Thus in one respect this official receives a prerogative as great as that enjoyed by a

³ See 1946-47 *UN Yearbook*, pp. 61, 82, 90, 646. The Assembly's intention in setting a relatively large salary was expressed on February 1, 1946, when it unanimously resolved that "... the terms of the appointment of the Secretary-General shall be such as to enable a man of eminence and high attainment to accept and maintain the position."

⁴ L. M. Goodrich and E. Hambro, *Charter of the United Nations* (World Peace Foundation, Boston, rev. ed., 1949), p. 493.

world power such as the United States or the Soviet Union: that of placing before this international forum a problem that his judgment leads him to believe is worthy of this serious consideration. It is not at all inconceivable that a threat to the peace might arise in which neither of the main contestants wished, for reasons of its own, to have the argument publicly aired; in such circumstances the Secretary-General, under this article, has the overriding power to publicize it anyway. It may be noted parenthetically that, in order for him to take action under Article 99, there need not be a "dispute" in a formal sense, but only a matter that threatens international peace and security. This power was first used in June 1950, when the Secretary-General officially brought to an emergency meeting of the Security Council the news of the North Korean attack on the Republic of Korea.

Another function of the Secretary-General and of the Secretariat under him has turned out to be exceedingly important. The Secretariat is often requested by one of the various UN organs to do research and make recommendations on some problem of concern to that organ; manifestly, the person who prepares the facts and draws inferences from them is in a key position. Anyone who glances over such summaries of the UN's work as those included in the *UN Yearbook* is certain to be impressed with the great number and variety of requests made of the Secretariat to prepare information, compile data, draft treaties, study this, and analyze that. Several extensive publications have already been issued by the Secretariat and still more ambitious projects are in preparation. In addition to rendering assistance to constituent organs of the UN, some sections of the Secretariat have been charged with the function of aiding member governments directly. Thus in 1947 the Fiscal Division aided Venezuela in a reform of its public finances, and in the same year the Secretary-General made provision for the type of services now referred to as "Point Four" or "technical assistance" projects.⁵ The Secretary-General may subtly influence the execution as well as the formation of policy.

It should be apparent that the personality of the Secretary-General may be of the utmost importance. A reticent individual might answer all queries and perform all duties to the letter of the law and yet have little influence on the course of events. Some of the Secretaries-General of the League of Nations showed such a tendency. By contrast, the first few years of UN experience seemed to indicate that Trygve Lie was somewhat more forceful and that he intended not only to fulfill the letter of the law but also positively to assist in directing the course followed by the organization. Certainly the gate is open under the Charter provisions for a dynamic person to make a great deal out of what could otherwise be a routine job.⁶

Mr. Lie exemplified his concept of the Secretary-General's role in the spring of 1950, when he visited the heads of state of Britain, France, Russia, and the United States in an effort to end the deadlock caused by the Soviet Union's refusal to participate in UN organs as long as the Chinese seat was occupied by a representative of Chiang Kai-shek's Nationalists instead of Mao Tse-tung's Communists. Mr. Lie attempted to obtain Big Four agreement to a long-range program involving occasional attendance by heads of state at Security Council meetings, new attempts to break the atomic-energy-control deadlock, admission of several applicants to membership in the UN, and increased attention to the program for technical assistance to underdeveloped areas.⁷ Although the immediate prospects of success of such a plan were questionable, the long-range importance of a disinterested international public servant taking such initiative was apparent. The Assembly, meeting later in the same year, commended the Secretary-General for his actions.

➤ *Coordination.* Another of the Secretary-General's tasks may well develop into his most important single function: he is not only the UN's chief administrator but also its chief coordinator. He is the cohesive element in the Secretariat, which has been called ". . . the mortar in the organizational arch composed of the UN and the specialized agencies."⁸ Reference is made here to one of the most important and difficult problems in administration that will be faced by the UN: that of coordinating its numerous component parts, and especially those specialized agencies which report to the Economic and Social Council. Although these agencies are technically under the general supervision of ECOSOC, they have a great deal of individual freedom of action. Furthermore, ECOSOC's staff is provided and many of its functions are discharged by the regular Secretariat, and at this point the Secretary-General enters the picture in the capacity of a coordinator who is on the job every day in the year and not merely at quarterly or other periodic or sporadic meetings. If the technical specialized agencies are to function at top efficiency, there must be someone to keep them from trampling on each others' toes.

As has been observed, the Secretary-General at the request of ECOSOC has established an Administrative Committee on Coordination under his own chairmanship, which draws together the chief administrative officers of the specialized agencies.⁹ This body is intended to coordinate research and action projects in order to prevent time- and money-wasting duplication; it may bring the agencies together on uniform budgetary and personnel policies, so that,

⁷ For description and text of the plan, see *Int. Org.*, Aug. 1950, pp. 473, 547-550; *UN Bulletin*, Dec. 1, 1950, pp. 586-593, 642-650; 1950 *UN Yearbook*, pp. 214-220.

⁸ "The UN Secretariat," by W. H. C. Laves and D. C. Stone, *Foreign Policy Reports*, Oct. 15, 1946. Although this article was written when the UN was a new organization, it still presents an excellent picture and appraisal of the Secretariat. See also Goodrich and Hambro, *op. cit.*, pp. 491-512.

⁹ See Goodrich and Hambro, *op. cit.*, pp. 357-361, 495; also 1946-47 *UN Yearbook*, p. 546; 1947-48 *UN Yearbook*, pp. 110, 676.

for example, the pay scale in one agency is not appreciably higher than in another, with the resultant depression of morale or temptation to raid personnel. Programs of action must be so tailored as to prevent omission or overlapping of essential functions. All these tasks of coordination will be discharged, if by anyone, by the Secretary-General and the Administrative Committee on Coordination, and if they succeed in promoting the harmonious functioning of these agencies they will have gone a long way toward ensuring the success of the whole UN.¹⁰

➤ *Miscellaneous Functions.* A few more activities remain to be mentioned. The Secretary-General draws up the provisional agenda for the meetings of the UN's major organs; he may himself propose items for the consideration of the Security Council, General Assembly, and Trusteeship Council. On his own initiative he may make oral or written statements to the Security Council or Assembly, and upon request he makes statements to meetings of the Trusteeship and Economic and Social Councils. Thus all the varied activities of this official add up to an important role in promoting, controlling, and coordinating the numerous functions and agencies of the UN. The office demands executive and diplomatic abilities of the highest order.

➤ *Control over the Secretary-General.* Just as the President of the United States, powerful though he is, is responsible to Congress and the people, so the Secretary-General does not have a completely free hand. His five-year term and re-eligibility have already been noted; the possibility of his not being re-elected if Council and Assembly are dissatisfied with him is apparent. The Secretary-General's annual report is "considered" by the Assembly, and this action may involve a critical field day. It is the Assembly that provides the staff regulations and the policy directives under the terms of which the Secretariat is administered, and it is also the Assembly that holds the purse and thus wields the power that controls any organization in the long run. The Assembly maintains, further, a nine-member standing Advisory Committee on Administrative and Budgetary Questions, which scrutinizes the work of the Secretariat. Provision is made for an annual audit of the Secretary-General's books. Finally, there is that somewhat nebulous but nevertheless real factor which we call responsibility and sensitivity to public and official opinion, which can be depended upon to set practical bounds to the activities and ambitions of any Secretary-General. One may be reminded in this connection that it is primarily the Assembly, rather than the Council, which exercises the important controls just mentioned, and that, although the Charter refers to the Secretariat as one of the six principal organs of the UN, the Secretariat is for most practical purposes subordinate to the Assembly, not coordinate with it.

¹⁰ Details of this coordination function will be found in 1948-49 UN Yearbook, pp. 674-693.

THE SECRETARIAT

The UN Secretariat performs the customary tasks of the "Home Office." Its duties are, however, far more important, more numerous and more extensive than one is likely to realize. For example, in one recent year the Secretariat arranged for and serviced 3200 meetings in New York and 1800 more at the branch office in Geneva. This function includes provision of physical facilities, provision of translation and interpretation services, preparation of minutes and records, and attention to a host of other details. Another index of sheer bulk is that during some sessions of the Assembly the Secretariat's duplicating machines turn out documents at the rate of one million pages per day.¹¹

➤ *Treaty Registration.* The old Wilsonian ideal of "open covenants openly arrived at" is echoed in Article 102 of the Charter, in which it is made the duty of all member states to register all treaties or other international agreements with the Secretariat, which then is charged with publication of these documents. Under the Charter, no treaty may be invoked before a UN organ unless it has been so registered. The extremely useful League of Nations Treaty Series is continued by the UN as the United Nations Treaty Series, of which more than fifty volumes already have been published. Nearly 1500 treaties and agreements have been registered.

➤ *Internal Organization.* Under the direct control of the Secretary-General are his Executive Assistant and eight Assistant Secretaries-General. Any one of the latter may be designated to act for the chief in his absence;¹² the main duty of each of these eight, however, is to supervise one of the Secretariat Departments: Security Council Affairs, Economic Affairs, Social Affairs, Trusteeship and Information from Non-Self-Governing Territories, Legal Affairs, Public Information, Conference and General Services, and Administrative and Financial Services. It will be noted that, except for the first and fourth, these departments are named and organized in such a way as to be of service to whosoever needs them, rather than being geared to an individual agency or commission. Personnel and services of these departments are assigned to assist the Assembly and Councils as occasion requires. As his title implies, the Executive Assistant is simply an administrative aide to the Secretary-General. Each Assistant Secretary-General is appointed by the chief for a five-year term at an annual salary of \$23,000, to which is added a representation allowance of \$7000 to \$10,000. Next below the Assistant Secretaries-General in the hierarchy are the Principal Directors, with salaries

¹¹ A good statement of the great influence of the Secretariat is "The Secretariat: Role and Functions," by Bernard Moore, in Clyde Eagleton, ed., *1949 Annual Review of UN Affairs* (New York University Press, 1950), pp. 21-31.

¹² The Executive Assistant acts as Secretary of the plenary meetings of the General Assembly and of its General Committee. The organization and functions of the Secretariat are described and charted as of 1950 in *1950 UN Yearbook*, pp. 129-147.

of \$17,000 and allowances of \$1000 to \$3500.¹³ As a matter of practice, each of the Big Five has had one of its nationals in one of the Assistant Secretary-Generalships; this, however, is a matter of policy and not of law.

➤ *Personnel.* As has been noted, the Secretariat is recruited and managed by the Secretary-General under regulations imposed by the General Assembly. The Charter (Article 100) explicitly requires that UN personnel, in the performance of their duties, "... shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization." Furthermore, under Article 101(3), the staff is to be selected on a merit basis, with "due regard ... paid to the importance of recruiting the staff on as wide a geographical basis as possible." Although the reason for the latter requirement is obvious enough, the rule has not been completely honored.¹⁴ Well over half of the members of the staff have come from the United States and a large proportion of the remainder have been English and French, owing to the exigencies of rapid initial recruitment, to simple matters of availability, and to elementary economy. Manifestly, as long as headquarters are in the United States, it is only common sense to hire clerical, mechanical, and custodial staffs locally rather than to bring them from thousands of miles away at the expense of the organization; thus no attempt is made at international recruitment in the lower echelons. (It is also primarily in the recruitment of the clerical-mechanical group that objective examinations have been administered.) Evidently a sincere effort is being made to bring into the staff larger numbers of non-Americans, but it may be doubted that a completely equitable geographical representation will ever be achieved.

The Secretariat employs about 4000 persons. About 3000 of these work in New York headquarters, and most of the remainder work at the European branch office in the former League of Nations Palais des Nations at Geneva. There are always some scattered all over the world, staffing UN missions and information offices. The Secretariat includes representatives of more than fifty nationalities, plus a few who are stateless, or, in other words, without nationality.¹⁵

¹³ In 1949, when Dr. Ralph Bunche declined the offer of a position as Assistant Secretary of State in the United States, two reasons were generally assigned for his action: that he, as a Negro, did not wish to live in "Jim Crow" Washington and that his State Department salary would be considerably lower than his income from the post he held in the UN, that of Principal Director of the Trusteeship Department. Salaries were raised to the figures indicated above on January 1, 1951; see *UN Bulletin*, Dec. 15, 1950, p. 678; *ibid.*, Jan. 1, 1951, p. 77; 1950 *UN Yearbook*, pp. 138-143.

¹⁴ See Walter R. Crocker, "Some Notes on the UN Secretariat," *Int. Org.*, Nov. 1950, pp. 598-613, at pp. 601-602, for severe criticism of this geographical-representation provision on the grounds that it makes for much dead wood, political haggling, and lowered morale. See also 1948-49 *UN Yearbook*, pp. 908-910.

¹⁵ The figures given above do not include the staffs of the specialized agencies. It has

➤ *Staff Regulations.* The Provisional Staff Regulations as amended by the Assembly in 1948 provide the basic administrative guide to the Secretary-General in his supervision of the Secretariat.¹⁶ It is significant that they deal first with the international character of the staff, rather than with matters of pay, discipline, or organization. Pursuant to the spirit of Articles 100 and 101, the Regulations make clear that "The Secretary-General and all members of the staff of the Organization are international civil servants, and their responsibilities are not national but exclusively international." Each staff member must take an oath

... to exercise in all loyalty, discretion, and conscience the functions entrusted to me as a member of the international civil service of the United Nations, to discharge those functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any government or other authority external to the Organization.

Further regulations indicate that men and women are equally eligible for all posts;¹⁷ that appointments shall in general be made on a competitive basis;¹⁸ that staff members must avoid political activities that might prove embarrassing to their employer; that the Secretary-General may prescribe rules for sick and home leave; that he may discipline members or, in cases of serious misconduct summarily discharge them;¹⁹ that a retirement fund shall be estab-

been estimated that the staffs of the secretariats of the UN, the specialized agencies, and other public international unions bring the number of international civil servants to about 10,000. See Crocker, *op. cit.*, p. 599.

¹⁶ The text of the regulations is in *Int. Org.*, June 1948, pp. 414-419.

¹⁷ Feminist elements in the Secretariat have complained that the principle of equal rights and opportunities for women was not being observed, in that, although women composed 49 percent of the staff, they held only 16 percent of the upper-bracket positions in 1950. See "Better UN Posts for Women Asked," *New York Times*, May 14, 1950, p. 9.

¹⁸ In October 1948 an International Civil Service Board of nine members was appointed to assist in implementing this regulation. Its first meeting was held at Lake Success in 1949, after which it devoted itself to the solution of two major problems: development and improvement of methods of recruitment, and the creation of an international center for training in public administration.

¹⁹ In 1949 the Assembly created a three-man UN Administrative Tribunal to hear complaints from staff members alleging irregularities in the conditions of their employment; the Tribunal started to function in 1950. In 1951 five staff members contested their removal by Secretary-General Lie, and the Administrative Tribunal ruled, contrary to Mr. Lie's contention, that every staff member, whether on temporary or indefinite tenure, had the rights to appeal his dismissal or the nonrenewal of his contract and to be informed of the reasons for the adverse administrative action. See the *New York Times*, Aug. 26, 1951, p. 1; *Int. Org.*, Nov. 1951, pp. 776-778. There have been other dismissals on the stated grounds that the employee's services were no longer required, when there seemed to be reason to believe that the actual reason for their release was suspicion of Communist activities or connections; see, for example, the *New York Times*, May 25, 1952, p. 1. Later in 1952 a more pointed problem was posed by the refusal of several American employees of the UN to answer questions put to them by a federal grand jury and by a Senate subcommittee as to possible past activity in subversive, espionage, or Communist causes; their refusal was based upon their constitutional exemption from self-incrimination. Upon advice of a three-member legal panel, Secretary-General Lie ordered them to reply to such questions under threat of dismissal. Several refused to answer, and were therefore dismissed. See the *New York Times*,

lished;²⁰ and that extra pay allowances shall be made for the support and education of the children of staff members.

Although it appears that adequate attention has been paid on paper to employees' needs, one need not be surprised to learn that numerous complaints are made. It is to be expected that when a staff is hurriedly assembled on an international basis in a time of manpower shortage and in the aftermath of a war, many a paper plan will not develop as had been desired. To these factors must be added linguistic difficulties and a severe housing shortage. When, in addition, many of the employees are strangers in a foreign metropolis the size of New York City, it can scarcely be surprising that morale is not always of the highest.²¹ However, many of these ailments will be cured by time.

➤ *The Field Service.* A specialized branch of the Secretariat was created in pursuance of Assembly authorization of 1949: the UN Field Service. Internationally recruited, the members of this group serve as guards at the New York and Geneva offices and for UN missions in dangerous areas; they are therefore trained in first aid, shorthand, communications, and police and guard duties.²² This is by no means an international army. Its prescribed maximum strength is only 300, and it started out in 1950 with only 125. Its international character was indicated not only by its functions but by the fact that those 125 included twenty-six nationalities.

➤ *Diplomatic Immunities.* In 1945 Congress passed the International Organizations Immunities Act, which gave definite legal status and privileges to recognized public international unions, including the United Nations.²³ By the terms of this act Congress recognized the unions' rights to contract, to institute legal proceedings, to hold and dispose of real estate, and to have the same immunities from judicial process as are enjoyed by foreign governments. Furthermore, foreign representatives to the United Nations or its organs or to any other international public organization were granted the same diplomatic immunities that they would have if they were in the ordinary diplomatic service of their home countries. Employees of the UN proper, under this act, are exempt from the usual alien registration and immigration restrictions and are immune "... from suit and legal process relating to acts performed

Dec. 7, 1952, pp. 2E, 6E, and 8E; also the *Christian Science Monitor*, Dec. 9, 1952, p. 1. The Secretary-General is on the horns of the dilemma in such matters: in an international, nonpartisan organization with some Communist member states, Communist activity is no crime; yet the bitterness of the Cold War is such that non-Communist nations (not the least vociferous of which has been the United States) complain that minions of Stalin must not be employed by the UN.

²⁰ In 1949 the Assembly set up a Joint Staff Pension Fund under a contributory scheme. All Secretariat employees are members; specialized agencies may join on behalf of their employees, and several of them have done so. For the pertinent Assembly resolution, see 1948-49 UN Yearbook, pp. 912-918.

²¹ See Harold H. Martin, "The Plushiest Jobs on Earth Don't Make Them Happy," *Saturday Evening Post*, May 15, 1948, pp. 32 ff.

²² See 1948-49 UN Yearbook, pp. 419-425.

²³ Text in *Decade of American Foreign Policy*, pp. 167-172.

by them in their official capacity and falling within their functions as such . . . employees except insofar as such immunity may be waived by the . . . international organization concerned." In 1946 the Assembly went further and proposed for international ratification a *Convention on the Privileges and Immunities of the United Nations*, which not only would protect the UN specifically and its property but also would go to greater lengths in providing immunity for Secretariat and other UN officials. The United States has not ratified this convention.²⁴

➤ *The Gubitchev Case.* A case illustrating the operation of the International Organizations Immunities Act arose in 1949, when one Valentin Gubitchev, a UN engineer of Russian nationality, was arrested by the United States Federal Bureau of Investigation on espionage charges. He attempted to claim diplomatic immunity, but the Secretary-General suspended him from office and refused to intercede for him. The United States took the position that whatever immunity Gubitchev might be able to claim would pertain only to his official status and duties, which obviously did not include espionage. In his extracurricular activities Gubitchev was regarded as having the status of a resident alien, with no diplomatic immunity. Accordingly he was tried and convicted. However, his sentence was suspended on condition that he leave the country at once, and he did so.

➤ *Budget.* As was noted in the chapter on the General Assembly, that body must adopt the UN's annual budget but the actual task of preparation is delegated to the Secretariat. The Department of Administrative and Financial Services does the preliminary work and passes the draft to the Secretary-General, who in turn submits it to the Assembly for final action. The amount of the budget has risen from year to year; the budget for the fiscal year (which is the calendar year) 1946 was \$21,500,000, whereas that for 1952 was \$41,696,980.²⁵ This growth was caused not only by rapidly rising prices but also by the fact that numerous services of the UN did not function at full capacity at once. Criticism is sometimes heard of a "forty-million-dollar boondoggle"; but if forty million dollars brings even an outside chance of world peace, it is clearly an almost infinitesimal insurance premium.

By way of completing the picture, it should be added that the specialized agencies have their own budgets in addition to the sums just mentioned, and that in 1952 they amounted to about 42.27 million dollars, exclusive of the budget for IRO, which went out of business early in that year. Thus the total cost of the UN for 1952 was approximately eighty-four million dollars.

Although undoubtedly large, the last-mentioned sum would not go far

²⁴ The text of the Convention is in *Decade of American Foreign Policy*, pp. 172-178.

²⁵ The gross budget for 1952 as adopted by the Assembly was \$48,096,780, but anticipated revenue reduced this figure to the net of \$41,696,980, which therefore represents the actual out-of-pocket cost of the UN. The highest budget ever approved for the League of Nations, incidentally, was \$6,500,000, for 1932.

toward the construction of a single battleship. One observer has remarked: "The peoples of the world give for the total budget of the . . . organization which they expect to provide them with peace and security, far less money than New York City spends for cleaning the streets."²⁶

➤ *Location of Headquarters.* The Charter avoids provision for an exact location of the UN's headquarters, and the Assembly proceeded immediately upon its organization to tackle this problem. Some favored continuing to use the League buildings at Geneva. Although this idea had obvious merit, it was overruled, partly because of the unhappy memories of the League, which some feared would haunt the new organization, and partly because such major states as the United States and the Soviet Union preferred not to be constantly reminded of their experiences with the League, the first having never joined and the second having the distinction of being the only country ever expelled from the League. Some states favored a location on an isolated, internationalized island.

Even when it was determined that the location would be somewhere in the United States—a decision reached after much diplomatic pulling and hauling—the precise spot was difficult to choose. San Francisco was popular with many delegates, but so were Philadelphia and New York. When the choice was narrowed down to the general area of New York, the Assembly's *ad hoc* Committee on Headquarters Site looked over possible locations and in early 1946 selected an area in Connecticut (near North Stamford and Greenwich) that had natural beauty and rural quiet and at the same time was within commuting distance of New York. Then ensued a series of episodes that American diplomats would like very much to forget. After the American delegates had labored long and hard to have the UN located in their country, the embattled residents of the designated Connecticut area arose in wrathful insistence that they did not intend to have their houses and country estates taken over to provide headquarters for anyone.

The story finally came to a climax in December 1946, when John D. Rockefeller, Jr., offered \$8,500,000 to the UN for purchase of an area that could become the permanent headquarters site.²⁷ Hurriedly, arrangements were made among the UN, the federal government, and the city and state of New York, and suddenly the problem of headquarters location was solved. The Rockefeller gift was exempted from the federal gift tax, the city of New York cooperated by making certain land and transit rights available, and the UN negotiated a sixty-five-million-dollar thirty-one year interest-free loan from the United States for the purpose of financing headquarters buildings. Plans were drawn for appropriate office and meeting spaces, excavation for the

²⁶ Clyde Eagleton, "Proposals for Strengthening the UN," *Foreign Policy Reports*, Sept. 15, 1949, p. 109.

²⁷ The site is between 42nd and 48th Streets, from First Avenue to the East River.

Secretariat building began in 1948, the cornerstone was laid on October 24, 1949 ("United Nations Day"), and by early 1951 the whole staff had moved in. At about the same time, a new postal address started appearing on envelopes: "United Nations, New York."²⁸

Before the permanent headquarters were ready, the Interim Headquarters wandered, then settled down just outside New York City. Part of the wartime Sperry Gyroscope plant at Lake Success, Long Island, was taken over and remodeled into office and meeting accommodations, and provisions were made for the Assembly to hold its plenary sessions at the former World's Fair Grounds a few miles away at Flushing.²⁹

It takes more than a real-estate deal to locate the capital of a world organization, since questions of extraterritoriality and similar immunities are bound to arise. Articles 104 and 105 of the Charter provide that the organization should enjoy legal capacity in the territory of all members, and that it and its officials should enjoy whatever privileges and immunities are necessary to the efficient discharge of their duties. The United States implemented these provisions in part with its International Organizations Immunities Act of 1945, to which reference has already been made. Two years later, a Headquarters Agreement was negotiated by the Secretary-General and the Secretary of State and was approved by the Congress and President and by the General Assembly. It was intended to solve some further problems raised by the establishment of the headquarters of the international organization.

Among the more important provisions of the Headquarters Agreement is that found in Section 9 to the effect that the headquarters district

... shall be inviolable. Federal, state, or local officers . . . of the United States . . . shall not enter the headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. . . . The UN shall prevent the headquarters district from becoming a refuge either for persons who are avoiding arrest under the . . . law of the United States or are required by the Government

²⁸ 1947-48 *UN Yearbook*, pp. 222-227. The next steps in the headquarters construction program were completed in 1952: a meeting hall for the General Assembly, and a Conference Building to house the Security, Economic and Social, and Trusteeship Councils, and providing other meeting rooms. The text of the sixty-five-million-dollar loan agreement is in *Decade of American Foreign Policy*, pp. 191-194. In 1951 the UN repaid the first one million dollars; the agreement calls for increasing annual payments until the whole amount is fully paid by 1982. Location of headquarters in New York has not by any means meant a total loss of the Geneva buildings. The League of Nations' Geneva property and libraries, valued at nearly eleven million dollars, were transferred to the UN on August 1, 1946, and now house the European branch of the UN Secretariat as well as the head offices of WHO. See 1946-47 *UN Yearbook*, pp. 269-272.

²⁹ Many delegates and Secretariat members were less than happy over the makeshift offices in the Sperry plant and their physical separation from the meeting place at Flushing. Some irreverent newsmen remarked pointedly that they could find no lake at Lake Success, and one, wearied by a day's futile debate, suggested renaming it "Lake Partial Success."

of the United States for extradition to another country, or for persons who are endeavoring to avoid service of legal process.³⁰

The United States undertakes not to interfere with transit to and from UN headquarters of governmental or press representatives who are properly accredited; it further agrees to grant United States visas as promptly as possible to UN personnel and to accord the usual diplomatic immunities to national representatives sent to UN meetings and to the sessions of the various specialized agencies.

These are the kinds of arrangements that are necessary when an international public institution such as the UN locates on national soil; the complications that they raise had been foreseen by those who had originally suggested location of headquarters on some internationalized island.

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³⁰ The text of the agreement is in the 1947-48 *UN Yearbook*, pp. 199-204; also in *Decade of American Foreign Policy*, pp. 178-188.

☆ VI ☆

CONCLUSION

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IT IS APPARENT that in recent years there have been very real alterations in American thinking on some important aspects of foreign and domestic policy. In the mid-1930's, for example, the United States had an army of only 125,000 to 150,000; now the army is ten times that size, and most Americans, although they have no liking for the much heavier tax burden it necessitates, recognize that in present-day conditions the larger force is required.

THE ROAD THUS FAR

➤ *Isolationist Thought.* Also in the 1930's, the feelings of the American populace were overwhelmingly isolationist and resulted in the passage of the famous neutrality legislation. Twenty years later opinion polls showed that the average American citizen had divested himself of much of that isolationism and come to realize, however reluctantly, that, in a world constituted as ours is, international cooperation is essential.¹ As a matter of fact, there was often good reason to believe that the public's thinking was more internationalist than that of Congress. Yet it is premature to speak with finality of the death of isolationism, for there are, and doubtless there will remain, many isolationists in the country. However, it is of deep significance that by the 1950's the appellation "isolationist" as applied by one public figure to another had become scornful and derisive. Those whose ideas were closest to those of the neutralist 1920's and 1930's and who opposed the UN, NATO, the Marshall Plan, and other such cooperative undertakings vigorously denied that they were isolationist, thus tacitly recognizing that in the public mind this was a term of opprobrium.

Although there will be always some who retire to the dream world of isolationism, in which they pretend that we will not have to concern ourselves with what happens to the rest of the world, they will do so in clear

¹ For example, few if any people spoke of the United Nations in such terms as were used by Senator Sherman, of Illinois, in the debate on the League of Nations. He described the League as "... a Pandora's box of evil to empty upon the American people the aggregated calamities of the world." It would "... embargo our commerce, close our exchanges, destroy our credits, leave our merchandise rotting on our piers, shut the Isthmian Canal, order Congress to declare war. . . ." Not only this, but it was "... the death knell of the American Republic, . . . a fantastic idealism, a polyglot philanthropy as vain . . . as it is impossible. . . ." Quoted by Denna F. Fleming, *The Treaty Veto of the American Senate* (Putnam, 1930), pp. 135-136.

defiance of world geography, economics, and politics. It is no longer a question of whether one wishes to divorce himself from the world but of whether he can do so. The answer is flatly negative—not only because of the dependence of significant sectors of the American economy on import and export trade, not only because foreigners may concern themselves with us whether we wish to reciprocate or not, but also because of the plain facts of economic geography.

The atomic bomb, all would agree, is essential to American defense. Yet the prime raw material—uranium ore—comes to us largely from the Belgian Congo. Jet engines, too, are in the “essential” category. Yet the high-speed, high-temperature steel alloys of which they are made demand several metals which the United States must import from abroad. Although the extreme proponents of air power are continually claiming that it can win wars alone, their claims are disproved by experiences of World War II and since; ground forces cannot be overlooked, and among the latter a prominent place must be given to tanks. Yet consider the following figures: each M-47 tank demands 1915 pounds of chromium, 100 percent of which is imported; 950 pounds of manganese, 93 percent of which is imported; 520 pounds of nickel, 99 percent of which is imported; 100 pounds of tin, 100 percent of which is imported; and 6512 pounds of bauxite (aluminum ore), 65 percent of which is imported; and 1418 pounds of copper, 42 percent of which is imported.² Such figures as these tell a direct, unambiguous story: the United States, in the interest of its own defense, depends upon foreign sources of many strategic materials, and therefore it cannot hope to isolate itself from those foreign countries. Any other attitude is unrealistic wishful thinking.

► *What Shall We Defend?* Often in days gone by the United States has been criticized for having no stated defense policy. It was true that even the government was evidently not agreed on what we would defend with military force if aggression threatened. Obviously there was lack of certainty as to where the geographic limits of our security zone lay. All Americans could agree that they would defend the continental United States, but unanimity ended at that point. Would we defend Canada? Panama? South America to the bulge of Brazil? All of South America? Alaska? Hawaii? The British Isles? The Philippines?

Since World War II these questions have been answered by a series of treaties which the government has negotiated. In 1947 in the Rio Pact we indicated our belief that protection of Latin America was essential to our defense; in 1949 we did likewise through the North Atlantic Treaty with western Europe, North Africa, and Canada; and in 1951 security pacts linked us with Japan, the Philippines, Australia, and New Zealand. Add to these agreements American assumption of strategic-area trusteeships in the Pacific, and

² See the President's *First Report to Congress on the Mutual Security Program*, Dec. 31, 1951 (GPO, 1952), p. 6.

the military-economic understandings that went along with the Mutual Security Program in 1951 and thereafter, and it becomes apparent that the government of the United States has officially announced a program of defending major areas of the world on the ground of their importance to American defense. This defense policy was utterly different from that of fifteen years earlier. As a matter of fact, the change was so sudden and so immense in scope as to raise a serious question in many minds whether the United States was capable of defending so tremendous an area.

➤ *Our Prime Position.* Through all the above—defense pacts, Marshall Plan, Mutual Security Agency—runs a common thread, present though unstressed. It is the tacit assumption that the United States has ascended to that position of prime world leadership which Britain and others once occupied. It has fallen to us not through our conscious choice but because no other Western country has the power, and therefore the responsibility, to assume leadership. For better or for worse, but surely, the United States is in the front position, and by the middle of the century it seemed that the public recognized this fact.

PROBLEMS YET TO BE SOLVED

➤ *Responsibility.* Assumption of leadership, whether or not it was sought, must be a sobering experience. Gone is the day when Americans could afford the luxury of booing the players and throwing pop bottles at the umpires, for their team is now on the field and faces a strong opponent. As someone has said, we can no longer regard international relations as a stage play in which we, the audience, applaud the hero and hiss the villain from the safety of our balcony seat; we are now the actors, and we might as well reconcile ourselves to the idea that in the minds of some people we play the villain's role. In other words, we have attained man's estate, and we can no longer indulge in the irresponsibility that we concede to youth.

As has been indicated in the preceding few pages, we are in a fair way to solve certain of our major international problems. But we will never solve them all, and we must make up our minds to that. As Secretary of State Acheson has said, we make a mistake in referring to this or that problem as a headache, for we cannot dispose of it in a few hours by taking an aspirin. The world is full of deep-seated disorders that can be worked out only by the application of high intelligence over a long period of time. This is what is meant by the statement that one does not solve all international problems but only learns to live with them. We have too often assumed erroneously that a basic conflict could be definitively resolved by the sending of a Secretary of State to London, Paris, or Bonn, and that he could turn the trick while his plane was being refueled for the return flight.

➤ *Living with Russia.* It is apparent to all that the problem of getting

along with the Soviet Union must somehow or other be solved, and that the search for grounds of agreement with that nation is made all the more difficult by the apparent unwillingness of its government to cooperate. Yet for the sake of peace that search must go on. In the meantime there is grave danger of our falling into the habit of opposing every Russian proposal, simply because of its source. None can deny that many proposals of the USSR have been utterly unacceptable to any self-respecting nation, but we shall certainly endanger the chances of peace if we automatically reply in the negative whenever a Russian overture is made, without examining the merits of the suggestion. We tend sometimes to become too self-righteous and to forget that the Russian people have some interests that are just as valid and just as much to be respected as are our own. By so doing we do not serve our own long-range best interests.

➤ *Living with Britain.* A similar but less obvious problem is that of getting along with Great Britain. Although both of us speak the same language, bear allegiance to the same democratic ideals, and equally desire a just peace, it must not be overlooked that there are rocks on which Anglo-American amicable relations might be wrecked.³ There has long been trade rivalry between the two—for example, in the Near East and Latin America. There has been much difference of opinion since 1945 as to the proper manner of handling Germany and Japan. There has been dispute (which has been evident on many occasions in the UN Trusteeship Council) over the appropriate means of dealing with colonial areas, and the United States has often found itself espousing the cause of the colonial people in opposition to the spokesmen for the British Empire. There are cultural misunderstandings, exemplified in the Englishman's exaggerated notion of the American as either a "money-grubber" or a wild-West cowboy and in the American's equally inaccurate stereotypes of the Englishman as an ultra-correct butler or a red-coated gentleman riding to hounds.

A less tangible and more delicate issue is one that within a family is called a parent-child relationship. Within our individual families we recognize that this relationship is altered through the years, that the initial utter helplessness of the infant ultimately matures into independence, and yet many a parent is reluctant to face the fact that his baby has grown up and is taking care of himself in the world. There is a certain British-American analogy to this private-life situation, and Americans must appreciate it and meet it tactfully. It is entirely understandable that the British, who for generations have been the parents, may feel a measure of resentment when the erstwhile adolescent grows up, sometimes becomes bumptious, and displays more power and drive than his elders. It is not only the part of courtesy for Americans to recognize that such a transi-

³ In this connection see Crane Brinton, *The United States and Britain* (Harvard University Press, 1945), especially Chapters 9 and 10.

tion entails difficult readjustments and consequently requires tolerance but it is essential to their own self-interest, which demands an understanding of the positions of the other players of the international game and wholehearted cooperation with a major and usually staunch ally.

➤ *The Long View.* One crucial test of the ability of the United States to survive and prosper in the world of the foreseeable future will be its capacity to plan and to execute intelligently long-range policies. The fundamental criticism has often been leveled at American conduct of international relations that the President and Department of State have often—perhaps usually—not found themselves equal to the task of determining even the main lines of policy to be executed two or five years from the given moment. All too often has our government been justly accused of embarking upon a series of moves without adequate forethought or without having alternative actions available if the first ones should chance to go awry.

This is one of these matters in which hostile comment is very easy and constructive improvement vastly more difficult. Long-range planning is difficult enough under the best of circumstances, but it is made immeasurably more so by the biennial possibilities of partisan overturns in Congress, to say nothing of quadrennial chances of reversal in the White House. Furthermore, American policies must be tailored to meet not only domestic political exigencies but also the sometimes enigmatic twists and turns of other governments. Yet no government can aspire to success if in the face of complicated dangers it experiences confusion born of unpreparedness and staggers from crisis to crisis, constantly on the defensive against a hostile foreign initiative. It may improvise excellently on occasion but improvisation is a poor substitute for well-thought-out strategic planning.

Long-range planning will demand self-imposed restraints on partisanship in Congress and press. It will demand improvement in the staffing and procedures of the many agencies that deal with foreign matters.⁴ It will demand that the people attain a maturity of education and judgment such that they will realistically adjust their behavior to the somewhat novel and altogether powerful mid-twentieth-century status of their country. It will demand that we as a people cease to be swayed by pat, half-true slogans that oversimplify and confuse issues of great pith and moment, and that we cease to apply eighteenth-century concepts to the new world of the twentieth.⁵

➤ *National Sovereignty.* A matter about which Americans have long been wont to talk much and think little is national sovereignty, which has come to be an uncomprehended and yet almost holy fetish. It raises a series of questions that must be debated on their merits rather than on the emotions

⁴ One who knows whereof he speaks reminds us that we can no longer afford "diplomacy by dilettantism." See George F. Kennan, *American Diplomacy 1900-1950* (University of Chicago Press, 1951), p. 94.

⁵ See *ibid.*, pp. 46-48, 95-103.

which they arouse. As the statesman said to the politician, this problem must be approached with an open mind rather than with an open mouth.

Proposals are heard with increasing frequency that political unions of varying degrees of centralized power be created in the free world, partly in order to provide economic units free of tariffs and other trade-suppressing devices, and partly in order to provide that measure of military-economic strength which the free world needs to withstand onslaughts from foreign aggression, whether Muscovite or other. The advantages and disadvantages of these many proposals are far too complicated to be discussed here, and their present consideration would not in any case be altogether pertinent, since the plans that appear to have the best chances of adoption call for unions of European rather than American countries. Two matters, however, should be kept in mind by Americans as they discuss the possibilities of European union, for they relate to widespread but somewhat erroneous impressions.

On the one hand some Americans maintain that, since the union of the thirteen American colonies proved to be to their advantage, the western Europeans, if their intelligence quotients were as high as they should be, would follow the American example. This is a gross oversimplification. It may be conceded freely that in the long run European political union would be profitable beyond computation, not only economically but culturally and otherwise. The shortcoming of the argument is that it overlooks the fact that the thirteen colonies already were linked, before political union, by bonds of common language, literature, culture, history, and governmental institutions.⁶ Thus many foundationstones of their union were ready-laid for them, and even with this initial advantage they were destined to flounder through the Articles of Confederation and to fight a bitter Civil War in striving to achieve "a more perfect union." It is easy to forget the moments when Americans themselves have been disunited, and to underestimate the divisive effects in Europe of diverse languages, customs, and memories of real or fancied past wrongs. This is not to say that Europe cannot unite, for since 1945 some amazingly long steps have been taken toward unity. It is to say that the success of European union cannot be assumed merely because there is a successful American union. No cause is well served when its advocates claim too much or fail to appreciate its difficulties and dangers.

The second matter on which many Americans have been guilty of shallow thinking has to do with the nature and merits of sovereignty. We often speak of sovereignty as though it were an end in itself rather than a means, and we tend to attribute fantastic merits to it. When someone proposes union, a stock objection is: "But that would make us lose our sovereignty." There is no critical inquiry into just what would be lost and no recognition that the thirteen

⁶ See Crane Brinton, *From Many One* (Harvard University Press, 1948); and Reinhold Niebuhr, "The Illusion of World Government," *Foreign Affairs*, Apr. 1949, pp. 379-388.

states suffered diminution of their sovereignty by their ratification of the federal constitution. They lost nothing but an abstract concept, whereas they gained immensely in concrete wealth, security, peace, and well-being. Possibly it would be better if we spoke less about losing sovereignty and more about buying security with it, for the latter appropriately carries the implication of value received.

Mr. Wendell L. Willkie addressed himself to this problem some years ago. This intensely practical gentleman said:

I am forced to the conclusion that something is wrong with what we have meant by the term 'national sovereignty' if it produces Hawley-Smoot tariffs; the banking failures, depressions and misery of 1929 and ensuing years; highly nationalistic economic policies . . . ; agrarian unrest and farmers' strikes, and finally, two decades after we brought our boys home from one war in Europe, the loading of transports to take their sons across submarine-infested seas to fight in another. . . .

I want to see our Government and people use the sovereign power of the United States in partnership with the sovereign power of other peace-loving nations to create and operate an international organization which will give better protection to the rights of all nations, on a wider political, economic, and social basis, than has ever yet been attempted in history. To my mind, mutuality of responsibility and service represents more real freedom, in the sense of freedom from wars and economic disaster, than can be gained through adherence to all the sterile formulas of exclusive national sovereignty written into all the books of international law ever published.⁷

Sovereignty, like government in general, is but a means to an end. If conflict arises between the means and a laudable end, one must keep his sense of proportion in choosing the one to be relegated to secondary status.⁸

➤ *Maturity.* In one sense the foregoing pages could be compressed into the statement that we as a nation must attain intellectual maturity and display that achievement in our domestic and foreign political relations. The time has passed when we could, even though often unwittingly, take refuge behind the British navy and British diplomacy. Now, and for the foreseeable future, we are on the firing line ourselves, and upon how we behave depends not only our own fate but that of millions of others.

A prominent American commentator on the international scene has stressed our need for a "feet in the mud, eyes on the stars" approach.⁹ Realism is the order of the day. But realism does not have to mean, as it means to some,

⁷ Wendell L. Willkie, "Our Sovereignty: Shall We Use It?" *Foreign Affairs* (New York), Apr. 1944, pp. 347-361, at pp. 347-348. Reprinted by permission of the publisher.

⁸ Said French Foreign Minister Robert Schuman, in discussing the "Schuman Plan" of merging western-European coal and steel production: "For my part, I accept the principle of the renunciation of sovereign rights not for itself, not as an end in itself, but as a necessity, as the only means we have of rising above the national egotisms, antagonisms and narrowness which are killing us."

⁹ See Hanson W. Baldwin, *The Price of Power* (Harper, 1947), Chapter XV.

cynicism and defeatism. "Realism" and "pessimism" are not interchangeable words. One may be realistic enough to appraise the current disordered situation for what it is, and yet have his eyes on the stars that can, with industry and intelligence on his part, guide him to a better day. To wallow in the present mud serves no useful purpose. Or, as the Chinese are reported to say: "It is better to light a candle than to curse the darkness."

At one extreme stands the pessimist; at the other is the idealistic theoretician, who holds that all would be well if the nations would only join hands across the seas and be friendly to one another. Here as elsewhere must one seek a middle ground. From the lips of an ancient prophet came the words: "Not by might, nor by power, but by my spirit, saith the Lord." Physical might may settle some problems, but it fails if it is unaccompanied by some higher motive than that of domination or mere survival. That higher motive goes by several names. Some of us call it the Christian ethic. Some of us call it the ideal of a society in which the unalienable rights of man are protected in a true democracy. Some of us call it the brotherhood of man. Which one chooses is immaterial, for labels are only labels and all these concepts are fundamentally the same. They have appealed through the centuries to what we like to believe is the better nature of man.

➤ *The Realism of Idealism.* There is a school of thought that holds to the thesis that international political relationships are determined largely if not entirely by the possession and use of economic and political power.¹⁰ Its adherents are likely to maintain that power alone dominates the international scene and that that power is composed of military forces, industrial plant, and agricultural and mineral resources. It is impossible to deny that this thesis appraises the world as it is in most of its aspects, and the reader of the present volume may recall that similar points were stressed in the first chapter. Physical power is beyond question of prime importance in practical contemporary fact, but emphases may vary.

It does not necessarily follow, and indeed it is not always alleged, that power thus defined is important to the total exclusion of all other factors. It would seem apparent that part of a nation's strength arises also from its morale, its intelligent leadership, its alert populace, and its moral strength. Who would deny that the fighting power of Britain (and indeed of the non-Axis world) was buoyed in the disastrous days of 1940 by Winston Churchill's dynamic leadership and his defiant promise to fight on the beaches and in the fields? Britain had strength in that "finest hour," and it was not found in the guns and tanks that had been left on the beach at Dunkirk. Men fight with intellect and emotion as well as with rifles.

¹⁰ A leading proponent of this school is Mr. Hans J. Morgenthau; see his *Scientific Man vs. Power Politics* (University of Chicago Press, 1946), and *In Defense of the National Interest: A Critical Study of American Foreign Policy* (Knopf, 1951).

The present Russian regime is commonly pointed to as an example of the effectiveness of sheer practical force, and none can gainsay the immensity of that force or the willingness of the government to employ it without scruple. Yet we must not overlook the fact, unpleasant though it is, that the Kremlin has willing followers by the million who are attracted to it by Karl Marx's diatribes against the excesses and cruelties of the economic system as he saw it, and by his promises of a utopian society in which inequality, oppression, unemployment, and want would be banished forever. Russia does not depend upon force alone; much of the strength of the Communist movement lies in this moral appeal of Marx. Although millions of Russians must have been disillusioned on this point and others will be, the fact remains that a significant part of Russian power today lies in the appeal to a widespread human yearning for a society more equitable than the present one. The persistent propaganda appeals to the beauties of Marx's utopia bear testimony to the Kremlin's recognition of that fact.

Few men in modern times have stirred the emotions and have developed so large a following as did Giuseppe Mazzini. One can appreciate why this should be true when he reads part of Mazzini's "Address to the Young Men of Italy" of 1848:

Love humanity. God has given you your country as cradle, and humanity as mother; you cannot rightly love your brethren of the cradle if you love not the common mother. . . .

And love, young men, love and venerate the ideal. The ideal is the word of God. High above every country, high above humanity, is the country of the spirit, the city of the soul, in which all are brethren who believe in the inviolability of thought and in the dignity of our immortal soul; and the baptism of this fraternity is martyrdom. From that high sphere spring the principles which alone can redeem the peoples. Arise for the sake of these, and not from impatience of suffering or dread of evil.

Anger, pride, ambition, and the desire of material prosperity are arms common alike to the peoples and their oppressors, and even should you conquer with these today, you would fall again tomorrow; but principles belong to the peoples alone, and their oppressors can find no arms to oppose them. Adore enthusiasm, the dreams of the virgin soul, and the visions of early youth, for they are the perfume of paradise which the soul retains in issuing from the hands of the Creator. Respect above all things your conscience; have upon your lips the truth implanted by God in your hearts. . . .¹¹

There must be power in such appeals, which are at least as old as the Christian religion, or they would long since have disappeared.

On many an occasion in the past, American foreign policies have appealed to ideals; but they have done it unrealistically, since we talked but were unwilling to act. We set forth the ideal of the territorial integrity of China, for

¹¹ Quoted in *Freedom and Union*, June 1947, p. 8.

example, but were not prepared to do anything to protect China beyond writing diplomatic notes. We have inveighed against the evils of aggressive war; but regional or other collective-security undertakings to prevent such wars have, until recent years, found little favor with our public or our government. We have orated about equal civil and political rights; but we have only imperfectly practiced or propagated them. Since 1945 there has been evidence of our awakening belief that, instead of abandoning our ideals as impracticable, we should take steps to enforce them. To the extent that we recognize the intellectual and emotional appeal of ideals of freedom and equality, and that we effectively practice them, it is entirely proper to speak of the "realism of idealism."¹² Our task is, in the words of Pascal, to join might with right.

➤ *Arms and Ideals.* It is here submitted that the ideal attitude for us is embodied in the well-known advice: "Trust God and keep your powder dry." Very few people realistically observing the world today can argue honestly that the United States can live without military might. It is difficult for most people to envision the success of nonviolent resistance to invading armies whose soldiers have not been reared on the Christian-humanitarian concept of the dignity of the individual. We must maintain armies, and we must see to it that they are large enough to protect us and to guarantee our international commitments. But if we use them only to support an animal-like existence, and not to promote a more liberal and democratic society, we shall be wasting our time. Might and power are unavailing if the spirit is lacking.

American foreign (as well as domestic) policy has been criticized on the grounds that it did not appear to know where it was going and that it had nothing to offer to prospective democrats that was cut of nobler stuff than featherbeds, bubble gum, and inside plumbing. There are many who believe, and they may very well be right, that our foreign propaganda has failed and will continue to fail as long as we appeal to prospective adherents—in Asia, for example—on the grounds that in America we have (or would like to have) a car in every garage and two chickens in every pot. The present era would be vastly different from those which have gone before if men did not crave something less tangible than private automobiles. We may well be forgetting that those famous forefathers to whom we give deserved praise roused followers not by promising steam heating but by their vision of a world in which men would have equal rights before the law. Before these followers was set a noble ideal, for which, as we say on the Fourth of July, they were prepared to fight, bleed, and die.

Arms we must have; but let us not deprecate idealism as something necessarily soft and impracticable. Let us not forget that most of our heroes are worshipped mainly because of the ideals they set forth, and that most of our

¹² The phrase is that of Thomas I. Cook and Malcolm Moos; see their "Foreign Policy: The Realism of Idealism," *American Political Science Review*, June 1952, pp. 343-356.

epic events have been motivated by laudable ideals. Our contemporary needs are for a consciousness of the importance not only of military power but of Christian-democratic ideals and for a willingness to labor to advance those ideals. If we can bring to pass a world blessed by a just and durable peace, we will be worthy successors to those honored forebears who undertook the crusade for independence and who gambled everything on a noble cause. For us, too, much is at stake; but those not faint of heart can hope for the eventual success of our struggle toward peace if, in the words of one of the greatest of all Americans, "... with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor."

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